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RAILROAD COMMISSION

OF THE

STATE OF CALIFORNIA

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CALIFORNIA RAILROAD COMMISSION DECISIONS.

DECISION No. 15338.

IN THE MATTER OF THE APPLICATION OF THE HIGHLAND DOMESTIC WATER COMPANY, A CORPORATION, FOR AUTHORITY TO INCREASE ITS WATER RATES.

Application No. 11126.
Decided August 26, 1925.

RATES—WATER UTILITY.—Rates calculated to produce a fair return upon the investment of applicant, fixed, and which effect an equitable spread of the rates over the different classes of consumers.

William Guthrie, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application for authority to increase water rates filed by the Highland Domestic Water Company, a corporation, which operates a public utility water system supplying water for domestic purposes in and in the vicinity of the unincorporated town of Highland, San Bernardino County.

The application alleges in effect that the present rates do not produce sufficient revenue to yield an adequate return upon the investment, and that some of the rates for water service are higher than the reasonable value of the service rendered. Applicant proposes a rate schedule providing a higher monthly minimum charge per consumer, but a lower quantity rate, as follows:

Monthly Meter Rates.

First 600 cubic feet, per 100 cubic feet	$0 30
Next 1000 cubic feet, per 100 cubic feet	12½
All in excess of 1600 cubic feet, per 100 cubic feet	10

Minimum Monthly Charges.

For each ⅝-inch meter	$1 75
For each ¾-inch meter	2 00
For each 1 -inch meter	2 25
For each 1½-inch meter	3 00
For each 2 -inch meter	5 00

Monthly Flat Rates.

The same as now established.

A public hearing in this proceeding was held at Highland before Examiner Williams, after all interested parties had been notified and given an opportunity to appear and be heard.

This company was organized in 1898 for the purpose of supplying water in and in the vicinity of Highland, San Bernardino County.

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Water is obtained from deep wells and is pumped into a concrete reservoir of 385,000 gallons capacity, from which it flows by gravity through approximately 66,400 lineal feet of distribution main varying from eight inches to one inch in diameter. About 330 consumers are served by this system at the present time. All services are metered.

The schedule of rates now in effect was established by this Commission as a result of Applications Nos. 4888 and 6732 in Decision No. 9777, rendered November 18, 1921, and is in part as follows:

Monthly Meter Rates

First 2000 cubic feet, per 100 cubic feet	$0 30
Next 3000 cubic feet, per 100 cubic feet	25
Next 5000 cubic feet, per 100 cubic feet	20
All in excess of 10,000 cubic feet, per 100 cubic feet	15

Monthly Minimum Charges.

⅝-inch meter	$1 25
¾-inch meter	1 50
1 -inch meter	1 75
1½-inch meter	2 50
2 -inch meter	4 00

In addition to the foregoing meter rates, the applicant has a schedule of flat rates based upon a charge of $1.50 per month for residences with additional charges for toilets, bath tubs, etc., and also a charge for fire protection service in certain districts of twenty-five cents per month.

Applicant submitted a statement at the hearing setting forth the estimated historical cost of the properties of this company as of January 1, 1925, as $64,562. This amount included $14,048 as the value claimed for certain water rights, which consist only of the right to pump water from the wells owned by the company. No evidence was submitted which would indicate that the company possessed any greater rights to appropriate underground water than those enjoyed by or inhering to the owners of adjacent water-bearing lands, or to the effect that this company has acquired any rights by prescription or otherwise which would entitle it to pump any more than the usual and reasonable amount of water ordinarily developed from wells in that vicinity, the value of which has already been included in the appraisement of the water-bearing lands owned by the company. It is apparent, therefore, that applicant has not established any rights to additional value for underground waters other than those included in the value of its lands.

Applicant testified that the operating expenses for the years 1923 and 1924 were $5,095 and $6,130 respectively, both of which included depreciation, and that the revenues for the year 1923 were $7,711 and for 1924, $8,915.

M. I. Reed, one of the Commission's engineers, submitted a report in which the estimated original cost of the used and useful physical properties of applicant's system was found to be $53,015 as of January 1.

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1925, and the corresponding depreciation annuity given as $682, computed by the 5 per cent sinking fund method. In this report the revenues for the past three years were found to be as follows: 1922, $7,553; 1923, $7,711; and 1924, $8,645. The evidence shows that the difference in the revenues for the year 1924, as submitted by applicant and the above report, lies in certain deductions made by the Commission's engineers for nonoperating revenues. This report also contained an analysis of the operating expenses of this company in which it was shown that in its books applicant had entered certain charges to costs of operation which were more properly chargeable to capital or accounts other than maintenance and operation. The revised figures given in the above analysis show that the operating and maintenance expenses for the year 1923 were $4,586, and $4,723 for 1924. As a result of this analysis of the costs of operation of this system the Commission's engineer estimated that the reasonable annual maintenance and operating expenses of this utility for the immediate future would very closely approximate $4,750.

Applicant has now under construction certain improvements to its system consisting of a new well and pumping plant and extension of its distribution facilities. Part of these improvements have already been completed. The total cost of this new construction, according to the evidence, will not be less than $12,000, which amount has not been included in the above estimates of the cost of the system to January 1, 1925.

The results of operation for the year 1924, based upon the revised figures for revenues and operating expenses as set out above, reflect a net operating revenue of $3,240, which is equivalent to a return of 6.1 per cent on an investment of $53,015, or a return of slightly less than 5 per cent on $65,015, which includes the estimated cost of the improvements to plant which are now under construction.

Applicant testified that it did not desire at this time to obtain a rate which would provide full return upon the company's investment but that it did desire to furnish water at a lower rate so that the use of water in greater volume would be encouraged. It was maintained that the present rate schedule is unsatisfactory, particularly in regard to the monthly minimum meter charge of $1.25, and that the quantity rates for the use of the water are so high that the consumer must pay an amount which is more than the reasonable value of the service, the effect of which is to seriously restrict the use of water for lawn and garden irrigation.

A study of the effect of the rates proposed by applicant indicates that the water charges of the small consumer would be considerably increased and the large consumers would obtain a reduction in water

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charges, which in this instance would result in a spread of the rate schedule unsatisfactory for the types of service existing on this system. Analysis of the water use and operating conditions on this system leads to the conclusion that the placing in effect of the rate schedule as proposed by applicant will in actual practice result in a very substantial reduction in the total revenues. However, it is apparent that an adjustment of the rates of this utility can be made at this time which will more equitably distribute charges for water in accordance with the quantity used and will not be a burden to the user of small quantities of water, while at the same time will, in so far as is fair and reasonable, encourage to some extent the greater use of water. Such a schedule of rates will be established in the following order:

ORDER.

Highland Domestic Water Company, a corporation, operating a public utility water system in and in the vicinity of Highland, San Bernardino County, having made application for authority to increase its rates for water delivered to consumers, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed in the matter:

It is hereby found as a fact that the rates now charged by Highland Domestic Water Company, a corporation, for water delivered to consumers in and in the vicinity of Highland, San Bernardino County, are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates for such service.

Basing the order upon the foregoing finding of fact and upon the statements of fact contained in the preceding opinion;

It is hereby ordered, that Highland Domestic Water Company, a corporation, be and it is hereby directed to file with this Commission on or before August 31, 1925, the following schedule of rates to be charged for all water delivered to consumers in and in the vicinity of Highland, San Bernardino County, subsequent to that date.

Meter Rates.

Monthly Meter Quantity Rates—	
From 0 to 500 cubic feet, per 100 cubic feet	$0 30
From 500 to 2000 cubic feet, per 100 cubic feet	20
From 2000 to 3500 cubic feet, per 100 cubic feet	15
All in excess of 3500 cubic feet, per 100 cubic feet	10
Monthly Minimum Meter Charges—	
⅝- or ¾-inch meter	1 50
1 -inch meter	2 25
1½-inch meter	3 00
2 -inch meter	5 00

Each of the foregoing monthly minimum charges will entitle the consumer to the quantity of water which that minimum will purchase at the "monthly minimum meter charges" set out above.

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Monthly Flat Rates.

For each resjdence of not over five rooms	$1 50
For each additional room over five	10
For each head of stock kept by private family	25
For each automobile	25
Each bathtub in private house	25
Each watercloset in private house	35
Small stores and business offices	2 00
Large stores and business offices employing four or more persons	2 50
Offices	75
Stores having soda water fountains, extra	1 50
Dentists' offices	1 50
Public watering troughs	1 50
Barber shop, one chair	1 50
Each additional chair	75
Public bathtubs, each	3 00
Public watercloset or urinals, each	1 75
Wagon and blacksmith shops, not more than two forges	2 50
Each additional forge	50
Lodge or meeting rooms	2 50
Restaurants, coffee houses, or saloons	4 00
Lawns of fifty square yards or less	25
Each additional square yard	005
Tents	1 00
Water carts for street sprinkling, payable monthly, each cart per day	1 00

Monthly Rate for Fire Protection Service.

For each house or building connection within the fire protection district in addition to above charges per month	$0 25

All charges payable in advance on or before the first day of each month.

It is hereby further ordered, that Highland Domestic Water Company, a corporation, be and it is hereby directed to file with this Commission, within thirty (30) days from the date of this order, rules and regulations to govern relations with its consumers, such rules and regulations to become effective upon their acceptance by the Commission.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this twenty-sixth day of August, 1925.

DECISION No. 15344.

E. J. DAILEY AND FENTON-PARKER MATERIAL COMPANY *vs.* SAN DIEGO AND ARIZONA RAILWAY COMPANY.

Case No. 1991.

Decided August 27, 1925.

RATES—STEAM RAILROAD—CRUSHED ROCK.—Complaint dismissed. Reparation denied.

Byron J. Walters and *Byers-Chessman-Gardner, Inc.*, by *Edgar B. Byers*, for the Complainants.

J. E. Lyons, R. G. Dilworth and *F. B. Dorsey*, for Defendant.

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BY THE COMMISSION.

OPINION.

Complainant E. J. Dailey, an individual, is a building and roofing contractor with his principal place of business at San Diego, and complainant Fenton-Parker Material Company is a corporation engaged in the production and sale of building materials, paving materials and supplies, with its principal place of business at San Diego.

By complaint filed March 31, 1924, amended May 7, 1924, and June 23, 1924, it is alleged that the rates assessed by defendant during the period of time May 9, 1922, to June 23, 1924, for the transportation of crushed rock, sand and gravel from Otay Gravel Pit, Spring Valley Quarry and Riverview to San Diego were unjust, excessive, unreasonable and discriminatory to the extent they exceeded 2½ cents per 100 pounds or 50 cents per ton. It is further alleged that for the future a rate in excess of 2 cents per 100 pounds or 40 cents per ton will be unjust, excessive, unreasonable and discriminatory.

Reparation is sought. Rates will be stated in cents per ton of 2000 pounds, the basis employed by the witnesses in their testimony.

The shipments involved moved from producing plants located at Otay Gravel Pit, Spring Valley Quarry and Riverview. The Otay Gravel Pit plant produces sand and washed gravel, the Spring Valley plant crushed rock and riprap and the Riverview plant sand. The combined capacity of the plants, according to testimony, is approximately 1600 to 1900 tons per day of nine hours, of which the plant at Otay Gravel Pit produces about 50 per cent. Otay Gravel Pit is 9.7 miles south of San Diego, situated on a branch extending a distance of one mile from Otay, the main line junction point. Spring Valley Quarry and Riverview are on defendant's Lakeside branch, distant 9.8 miles and 20.2 miles respectively from San Diego. These three shipping points until recently had been grouped for a number of years for rate-making purposes, regardless of the fact that the haul involved from Riverview is more than double that from either Otay Pit or Spring Valley.

This Commission, by Decision No. 2971, December 11, 1915, in Application No. 1752 (8 C. R. C. 714), authorized San Diego and Southeastern Railway Company, the predecessor of this defendant, to increase the crushed rock, sand and gravel rate from 40 cents to 47 cents per ton, a conclusion reached upon a very complete record, which at that time showed that the railroad was conducting its service at an actual operating loss, amounting to $59,256.20 in 1915, with a total deficit after payment of interest of $86,287.21. By General Order No. 28 of the Director General of Railroads, the 47-cent rate was increased to 70 cents, effective June 25, 1918. Defendant reduced this rate to 60 cents August 20, 1918, to apply from Otay Gravel Pit and Spring Valley Quarry and, effective September 20, 1918, from Riverview. These

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rates remained in effect until August 26, 1920, when, following the decision of the Interstate Commerce Commission in *Ex Parte 74* and our Decision No. 7983 (18 C. R. C. 646), the 60-cent rate was increased to 80 cents. The 80-cent rate has been reduced a number of times since August 26, 1920. From May 8, 1922, to September 15, 1922, inclusive, defendant maintained from Otay Gravel Pit, Spring Valley Quarry and Riverview to San Diego on the three commodities—crushed rock, sand and gravel—a rate of 65 cents, minimum carload weight 40,000 pounds. Effective September 16, 1922, there was established on sand only from these three points to San Diego an additional rate of 55 cents, with the minimum carload weight increased to 60,000 pounds. On September 6, 1923, defendant established from Otay Gravel Pit to San Diego a rate of 55 cents on crushed rock and gravel, with a minimum carload weight of 60,000 pounds.

The rates, today, on sand are identical from all three shipping points—55 cents, with a minimum of 60,000 pounds. On crushed rock and gravel from the Otay Pit the rate is 55 cents, with a minimum of 60,000 pounds, and from Spring Valley and Riverview 65 cents, with a minimum of 40,000 pounds.

The testimony shows that at the request of complainants the rates were reduced from time to time in an effort on the part of defendant to retain the tonnage to the rails against truck competition, and also that the 65-cent rate, with a minimum of 40,000 pounds, was continued in effect from Spring Valley and Riverview because shippers agreed that the crushed rock from those points, having a higher value than that from Otay, could stand the rate.

Complainants compared the rates assailed with the rates on crushed rock, sand and gravel contemporaneously in effect in northern and southern California for distances ranging from 7 to 83 miles. The rates in southern California for 25 miles and under are for the most part based on a so-called unpublished rock scale of 60 cents per ton on crushed rock and gravel and 50 cents on sand.

Much stress was laid by complainants on the fact that there is a commodity rate of 50 cents in northern California applicable on lime rock from Flint to Tolenas for a distance of 72 miles. This rate was involved in Case No. 1730 and the allied case *Pacific Portland Cement Company* vs. *Southern Pacific Company* (24 C. R. C. 370), but the rate was voluntarily established by the carrier and is based upon the fact that during the year 1921 more than 5000 carloads, weighing over 300,000 tons, were transported from Flint to Tolenas; also that this heavy movement of lime rock is to a cement plant where it is manufactured into cement and reshipped to consuming points over the rails of the Southern Pacific Company, thus giving the double haul on the

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tonnage. To associate this adjustment with the rates on crushed rock to San Diego, where the tonnage is much smaller and where the carrier receives no second haul, does not constitute a proper rate comparison, the circumstances and conditions being entirely dissimilar.

Complainants also compare the applicable rates with rates maintained by defendant for the transportation of fertilizer, forest products, magnesite, sand dust and salt for like distances. These comparisons, covering commodities admittedly of greater value than crushed rock, sand and gravel, although of importance, do not afford a positive basis on which to determine the reasonableness of the rates here assailed, there being no testimony to show the tonnage nor the conditions under which the commodities move.

Defendant urged that the rates on rock, sand and gravel compare favorably with the rates on crushed rock, sand and gravel concurrently in effect via the Southern Pacific, particularly in view of the density of traffic on that company's line and the further fact that the movements from Spring Valley Quarry and Riverview are entirely branch-line hauls.

Defendant placed into the record exhibits and testimony showing the difficulties encountered over its Lakeside Branch, occasioned by the grades and curves, the grade on the inbound movement from Spring Valley and Riverview to San Diego having a maximum of 1.95 degrees and on the return movement a maximum grade of 3.5 degrees, which necessitates doubling of the trains. On the branch leading from Otay Junction to Otay Gravel Pit there is a short grade of 2.5 degrees against the loaded movement.

Exhibits were also offered by defendant showing that for the years 1922, 1923 and 1924 its operating expenses and fixed charges exceeded its gross income in the amount of $779,516.90, $792,606.77, and $718,207.76, respectively.

When consideration is given to the fact that the mileage scale generally in use by the railroads in southern California covering rock and gravel for distances 25 miles and under is 60 cents per ton, as compared with the rate of 55 cents from Otay Pit and 65 cents from Spring Valley and Riverview, and that the southern California scale provides for sand a rate of 50 cents for 25 miles and under, as compared with the present rate of 55 cents from all three of the shipping points, it does not appear that the rates of defendant, by the measure of the southern California rates, have, *per se*, been shown to be either excessive or unreasonable.

Testimony was offered by complainants dealing with their competitors' alleged lower rates via motor trucks to the consuming centers, and while carriers have the right to voluntarily reduce rates to any figure

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which will produce something above actual out-of-pocket costs to meet a competitive situation, it is a well established principle that Commissions can not make such rates predicated merely upon the commercial necessities of the shippers. (*Piedra Rock Company* vs. *Southern Pacific Company*, 21 C. R. C. 895; *Colorado Fuel & Iron Company* vs. *Director General of Railroads et al.*, 57 I. C. C. 253–255; *Anaconda Copper Mining Company* vs. *Director General of Railroads et al.*, 57 I. C. C. 723–732; *Inland Empire Shippers League* vs. *Director General of Railroads et al.*, 59 I. C. C. 321–338.)

Upon consideration of all the facts of record, we are of the opinion and find that the rates assailed on crushed rock, sand and gravel from Otay Gravel Pit, Spring Valley Quarry and Riverview to San Diego were not and are not unjust, excessive, unreasonable nor discriminatory. The complaint will be dismissed.

ORDER.

This case being at issue upon a complaint on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and conclusions contained in the opinion which precedes this order;

It is hereby ordered, that the complaint in this proceeding be and the same is hereby dismissed.

Dated at San Francisco, California, this twenty-seventh day of August, 1925.

DECISION No. 15346.

IN THE MATTER OF THE APPLICATION OF R. C. REGELIEN FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Application No. 11351.
Decided August 27, 1925.

CERTIFICATE—WATER UTILITY—RATES.—Certificate granted. Rates established.

R. H. Nicholson, for Applicant.

BY THE COMMISSION.

OPINION.

R. C. Regelien, applicant in the above entitled matter, asks the Commission for a certificate of public convenience and necessity for the operation of a public utility water system to supply water for domestic purposes in Tract No. 7178, near El Monte, in Los Angeles County.

A public hearing was held in this matter before Examiner Williams at Los Angeles after due notice thereof had been given so that all interested parties might appear and be heard.

The testimony shows that R. C. Regelien is the owner of a subdivided parcel of land known as Tract No. 7178, located in Los Angeles

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County, and in connection therewith he has installed a pumping plant and distribution system to aid in the sale of lots. The plant consists of an 8-inch well, 58 feet deep, from which water is pumped into a storage tank and then distributed by gravity to the consumers. The pipe lines have been installed along private rights of way located in the rear of the lots. No necessity, therefore, exists for the securing of a franchise from the county officials.

There is no other public utility water system supplying water in this tract and no one appeared to oppose the granting of the application. It appears, therefore, that the application should be granted.

At the hearing applicant filed a schedule of rates which he requested authority to charge for water delivered to his consumers in the above tract. These rates appear reasonable and compare favorably with the rates charged by similar small utilities operating under like conditions in the general vicinity and will therefore be established in the following order:

ORDER.

R. C. Regelien having made application to this Commission as entitled above, a public hearing having been held thereon, the matter having been duly submitted and the Commission being now fully informed in the matter:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require that R. C. Regelien operate a water system for the purpose of supplying water for domestic purposes in Tract No. 7178, near El Monte, Los Angeles County.

It is hereby ordered, that R. C. Regelien be and he is hereby authorized and directed to file with the Railroad Commission, within twenty (20) days from the date of this order, the following schedule of rates to be charged for all water service rendered subsequent to the thirty-first day of August, 1925:

Meter Rates.

Minimum Monthly Charges—	
¾-inch metered service	$1 50
1 -inch metered service	2 50
2 -inch metered service	3 50

Each of the foregoing "minimum monthly charges" will entitle the consumer to the quantity of water which that minimum monthly charge will purchase at the following "monthly meter rates."

Monthly Meter Rates—	
First 500 cubic feet	$1 50
Next 500 cubic feet, per 100 cubic feet	25
Next 1000 cubic feet, per 100 cubic feet	20
All over 2000 cubic feet, per 100 cubic feet	15

Monthly Flat Rates.

Residence on lot 50-foot frontage	$1 75

It is hereby further ordered, that R. C. Regelien be and he is hereby directed to file with the Railroad Commission, within thirty (30)

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days from the date of this order, for its approval, rules and regulations governing the distribution of water to his consumers, said rules to become effective upon their approval by this Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this twenty-seventh day of August, 1925.

DECISION No. 15347.

IN THE MATTER OF THE APPLICATION OF SAN GORGONIO POWER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING ISSUE OF BONDS AND TO MORTGAGE PROPERTY TO SECURE SUCH BONDS.

Application No. 11352.
Decided August 27, 1925.

SECURITIES—BONDS—TO ISSUE.—San Gorgonio Power Company authorized to issue $83,000 of Series "A" of 1930 general and refunding 6½ per cent mortgage gold bonds at not less than 92 per cent of face value, plus accrued interest. Application denied as regards $17,000 of said bonds.

Warren Lee Pierson, for Applicant.

BY THE COMMISSION.

OPINION.

San Gorgonio Power Company asks permission to execute a deed of trust to secure the payment of an authorized issue of bonds of $1,050,000 and issue $100,000 of such bonds for the purposes hereinafter stated.

The company as of March 31, 1925, submits the following trial balance:

	Debit	*Credit*
Fixed capital under construction	$499,758 50	
Cash	433 45	
Unamortized debt discount	$25,470 04	
Unamortized debt expense	3,266 22	
	28,736 26	
Operating expenses	3,925 19	
Taxes assignable to operations	100 00	
Interest on long-term debt	7,000 00	
Miscellaneous interest deductions	962 50	
Miscellaneous deductions from gross income	13 65	
Profit and loss	24,212 66	
Accounts receivable	1,940 87	
Property abandoned	19,426 09	
Capital stock		$100,500 00
Long-term debt		400,000 00
Notes payable		55,000 00
Accounts payable (audited vouchers)		3,708 42
Miscellaneous current liabilities (R. R. S.)		21,156 25
Interest accrued (notes)		1,347 50
Rent from fixed capital leased		4,797 00
Totals	$586,509 17	$586,509 17

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By Decision No. 11432, dated December 29, 1922 (Volume 22, Opinions and Orders of the Railroad Commission of California, page 717), the Commission authorized the San Gorgonio Power Company to execute a mortgage to secure the payment of $450,000 of first mortgage 7 per cent bonds and to issue $400,000 of such bonds and $100,500 par value of its common capital stock. The stock was in payment for properties and rights acquired from the Consolidated Reservoir and Power Company, while the proceeds from the sale of the bonds were to be used to pay the cost of constructing two hydro-electric plants and appurtenances.

Applicant reports that the cost of its hydro-electric plants and appurtenances has been $49,949.67 in excess of the amount estimated in Decision No. 11432. The increase in the cost of applicant's plants is said to have been caused by unavoidable delays in the construction of such plants, by adverse climatic conditions, by increased cost of materials and by changes in the plans of construction. In addition to the $49,949.67 the company alleges that it should expend about $12,000 for small storm control dams, $6,000 to construct firebreaks, about $3,500 to repair damage caused by floods, and that $24,700.92 is required to pay miscellaneous items of indebtedness. The total of applicant's actual or estimated expenditures which have not been financed through the issue of bonds amounts to $96,150.92. The $96,150.92 includes $17,814.09 representing moneys borrowed to pay bond interest which should, in our opinion, not be paid through the issue of bonds. We believe that the company should not be permitted to issue more than $83,000 face value of its Series "A" of 1930 general and refuding mortgage gold bonds.

The proposed mortgage submitted by San Gorgonio Power Company is unsatisfactory in that it purports to relieve the stockholders of their liability under the statutes of this state. We are of the opinion that article eight, as well as the corresponding provision in the form of the bond, should be eliminated.

ORDER.

San Gorgonio Power Company having applied to the Railroad Commission for permission to issue $100,000 of bonds, to execute a mortgage, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be acquired or procured by the issue of $83,000 of bonds of said company is reasonably required by the company and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and that the application, in so far as it involves the issue of $17,000 of bonds, should be denied without prejudice;

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It is hereby ordered, that San Gorgonio Power Company be and it is hereby authorized to execute a mortgage or deed of trust substantially in the same form as the mortgage or deed of trust filed in this proceeding on July 2, 1925, provided said mortgage or deed of trust is modified, as indicated in the opinion which precedes this order, and provided further that the authority herein granted to execute said mortgage or deed of trust is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of said mortgage or deed of trust as to any other legal requirements.

It is hereby further ordered, that the San Gorgonio Power Company be and it is hereby authorized to issue and sell on or before November 1, 1925, at not less than 92 per cent of their face value and accrued interest, $83,000 of Series "A" of 1930 general and refunding 6½ per cent mortgage gold bonds due March 1, 1930, and use the proceeds for the purpose of financing in part the construction and other expenditures, except payment of interest, referred to in the opinion which precedes this order.

It is hereby further ordered, that this application, in so far as it involves the issue of $17,000 of bonds, be dismissed without prejudice.

It is hereby further ordered, that the authority herein granted to issue bonds will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is eighty-three dollars ($83), and that applicant shall keep such record of the issue, sale and delivery of the bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that San Gorgonio Power Company shall file with the Railroad Commission a certified copy of its general and refunding mortgage within thirty (30) days after said document has been executed.

Dated at San Francisco, California, this twenty-seventh day of August, 1925.

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DECISION NO. 15352.

IN THE MATTER OF THE APPLICATION OF SAN DIEGO CONSOLIDATED GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE RENEWAL OF CERTAIN PROMISSORY NOTES.

Application No. 11553.
Decided August 29, 1925.

SECURITIES—NOTES—TO RENEW.—San Diego Consolidated Gas and Electric Company authorized to issue $1,000,000 promissory notes payable on or before one year from July 18, 1925, with interest at 5 per cent per annum, for the purpose of refunding a like amount of notes issued to General Electric Company on August 18, 1924.

Chickering and Gregory, by *Allen L. Chickering*, for Applicant.

BY THE COMMISSION.

OPINION AND ORDER.

San Diego Consolidated Gas and Electric Company asks permission to issue its notes to the General Electric Company in the aggregate sum of $1,000,000 to be payable on or before six months after date with interest at the rate of 5 per cent per annum, and to issue renewal notes extending the period of said indebtedness to not exceed one year from July 18, 1925.

A public hearing was had before Examiner Fankhauser.

It is of record that on August 18, 1924, the General Electric Company loaned to applicant $1,000,000 payable July 18, 1925, with interest at 5 per cent per annum. The loan was represented by notes dated August 18, 1924, and due, as said, on July 18, 1925. The company desires permission to issue six months notes for the purpose of refunding such indebtedness, and to renew at the end of six months the notes for another period of six months in the event it deems such renewal advantageous.

The testimony shows that the money obtained through the issue of the notes was used by the San Diego Consolidated Gas and Electric Company to pay the cost of constructing extensions, additions and betterments to its properties and those of the San Diego Gas and Electric Company controlled through stock ownership by applicant.

The Commission has considered the request of applicant and is of the opinion that the money, property or labor to be procured or acquired by the issue of the $1,000,000 of notes is reasonably required by applicant, and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expense or to income and that this application should be granted; therefore,

It is hereby ordered, that San Diego Consolidated Gas and Electric Company be and it is hereby authorized to issue to the General Electric Company its promissory notes in the aggregate sum of $1,000,000 pay-

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able on or before one year after July 18, 1925, with interest at the rate of 5 per cent per annum, for the purpose of refunding the $1,000,000 of notes issued to the General Electric Company on August 18, 1924. The San Diego Consolidated Gas and Electric Company may issue said $1,000,000 of notes for a term of less than one year, and if said notes are issued for a term of less than one year, may issue notes in renewal thereof from time to time, provided that the term of the notes originally issued under the authority herein granted, and the term of all notes issued in renewal thereof, shall not exceed one year from July 18, 1925.

It is hereby further ordered, that the authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $1,000, and that San Diego Consolidated Gas and Electric Company shall keep such record of the issue of the notes herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-ninth day of August, 1925.

DECISION No. 15353.

IN THE MATTER OF THE APPLICATION OF UNION TRACTION COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION AUTHORIZING SAID COMPANY TO ABANDON ITS STREET RAILWAY FRANCHISES IN THE CITY OF SANTA CRUZ PURSUANT TO WHICH TRANSPORTATION IS FURNISHED BETWEEN THE INTERSECTION OF PACIFIC AVENUE AND MISSION STREET AND A POINT OPPOSITE THE CASINO, TO REMOVE ITS TRACKS AND FACILITIES OPERATED THEREUNDER AND TO DISCONTINUE FURNISHING STREET RAILWAY SERVICE HERETOFORE FURNISHED ALONG SAID ROUTE.

Application No. 11014.
Decided August 29, 1925.

ABANDONMENT—STREET RAILWAY.—Union Traction Company authorized to discontinue street car operation on Mission street and Pacific avenue in the city of Santa Cruz, subject to obtaining authorization from the city council of that city to relinquish its franchises.

L. H. Susman, for Applicant.
J. L. Johnston, City Attorney, for City of Santa Cruz.

BY THE COMMISSION.

OPINION.

Union Traction Company, a corporation, has petitioned the Railroad Commission for an order authorizing the abandonment of its franchises

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in the city of Santa Cruz covering the street car service heretofore rendered in such city over and along the following route:

Commencing at the intersection of Mission street and Pacific avenue; thence along Pacific avenue to Pacific avenue extension; thence along Pacific avenue extension to Washington street extension; thence along Washington street extension to the Esplanade; thence along private right of way, the Esplanade and Beach street to a terminus at a point opposite the Casino approximately one hundred feet east of Cliff street, a total distance of approximately one and twenty-seven one-hundredths (1.27) miles,

and for authority to suspend street railway service over the hereinabove described route; and to abandon and remove its tracks and appurtenances.

A public hearing on this application was conducted by Examiner Handford at Santa Cruz at which time the matter was duly submitted and it is now ready for decision.

Applicant alleges, notwithstanding all possible economies in operation, that it has been unable to earn its operating expenses, depreciation and taxes nor any interest on the investment; that the rapidly increasing use of privately-owned automobiles has been responsible for the decreased patronage by street car riders; and that it believes such conditions will continue in future.

On February 24, 1925, by its Decision No. 14596, on Application No. 10572, the Railroad Commission authorized applicant to abandon franchises, to remove tracks and appurtenances, and to discontinue street railway service from the intersection of Pacific avenue and Mission street, thence along Mission street, Younglove avenue, Errett circle and Garfield avenue to Cliff drive. The order in such proceeding provided that applicant should secure from the city council of the city of Santa Cruz an ordinance or other appropriate authorization granting the relinquishment of such franchises as were existent and covering the line therein authorized to be abandoned. The city of Santa Cruz, by action of the city council and upon recommendation of the mayor, refused to grant authorization for the abandonment of the line as applied for until such time as applicant should abandon all its street car operation in the city of Santa Cruz.

From exhibits filed at the hearing it appears that the expense of operation, including taxes and depreciation, for the six-month period ending June 30, 1925, has exceeded the revenue by an amount of $7,454; that the passengers carried have decreased 17.9 per cent for the seven-month period ending July 31, 1925, over the corresponding period of the previous year; that the revenue has decreased 20.28 per cent in the same period.

There was no protest against the granting of the application.

The city of Santa Cruz, by its mayor and city attorney, was represented at the hearing. It appears that it is the desire of the city to

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shortly initiate a paving program in which Pacific avenue and Mission street will be included, and that it is desirable from the city's viewpoint that the street railway tracks on these streets be removed. An estimate, filed herein as applicant's Exhibit No. 5, shows the cost of rehabilitating the tracks herein sought to be abandoned to conform with the requirements in connection with street paving to be $105,525, which amount makes no allowance for paving. The applicant is without resources to meet this expenditure, it being unable to meet the interest payments on its bonded indebtedness, and never having been able to pay any return on the capital invested.

After full consideration of the evidence and exhibits herein, we are of the opinion and hereby find as a fact that the present and future public convenience and necessity do not require the operation by applicant of street car service in the city of Santa Cruz over the route hereinabove set forth, and that, therefore, the application should be granted.

ORDER.

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as set forth in the opinion which precedes this order;

It is hereby ordered, that applicant, Union Traction Company, a corporation, be and it hereby is authorized to discontinue street car operation in the city of Santa Cruz over the following described route:

Commencing at the intersection of Mission street and Pacific avenue; thence along Pacific avenue to Pacific avenue extension; thence along Pacific avenue extension to Washington street extension; thence along Washington street extension to the Esplanade; thence along private right of way, the Esplanade and Beach street to a terminus at a point opposite the Casino approximately one hundred (100) feet east of Cliff street, a total distance of approximately one and twenty-seven one-hundredths (1.27) miles,

and to abandon and remove its tracks, poles and appurtenances, subject to the following condition:

Applicant, Union Traction Company, a corporation, will be required to file with this Commission a certified copy of an ordinance or other appropriate authorization of the city council of the city of Santa Cruz granting relinquishment of such franchises or portions of franchises which have heretofore been granted by the city council of the city of Santa Cruz, covering the line herein authorized to be abandoned.

This order shall become effective upon the filing by the applicant of a certified copy of an ordinance or other appropriate authorization of the city council of the city of Santa Cruz as hereinabove required.

Dated at San Francisco, California, this twenty-ninth day of August, 1925.

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DECISION No. 15355.

MOUNT LASSEN TRANSIT COMPANY, A CORPORATION,

vs.

J. W. HOUK AND J. H. SMITH, DOING BUSINESS UNDER THE FICTITIOUS NAME OF LASSEN TRANSIT COMPANY.

IN THE MATTER OF THE PETITION OF MOUNT LASSEN TRANSIT COMPANY, A CORPORATION, FOR AN ORDER INSTITUTING AN INVESTIGATION ON THE COMMISSION'S OWN INITIATIVE AND SUSPENDING FARES.

Case No. 2147.

Decided August 31, 1925.

RATES—AUTO STAGES.—The matters complained of having been adjusted, the Commission dismisses the proceeding.

Chas. A. Beck, for Complainant.

Harry A. Encell and *James A. Miller*, by *Harry A. Encell*, for Mount Lassen Transit Company.

Derlin and Brookman, by *Douglas Brookman*, for Defendant.

BY THE COMMISSION.

OPINION.

By tariff filed to become effective July 19, 1925, defendant proposed reduced passenger fares over its automobile stage lines operated between Chico and Susanville and the intermediate points. Upon protest of the Mount Lassen Transit Company that part of the tariff, in so far as it applied to the one-way and round-trip fares between Westwood and Susanville, was suspended.

A hearing was held August 10, 1925, at which time complainant agreed that this proceeding be dismissed upon restoration of the fares between Westwood and Susanville in effect prior to July 19, 1925.

The proposed reduced fares between Westwood and Susanville having been canceled and those in effect prior to July 19, 1925, restored, as per our decision in Application No. 11577, an order will be entered vacating our order of suspension and discontinuing this proceeding.

ORDER.

It appearing that, by order dated July 17, 1925, the Commission entered upon a hearing concerning the lawfulness of the fares between Westwood and Susanville, as set forth in Lassen Transit Company Local Passenger Tariff No. 4, C. R. C. No. 4, enumerated and described in said order, and suspended the effective date of the tariff, and

It further appearing that an investigation of the matters and things involved has been had and the Commission being fully advised in the premises;

It is hereby ordered, that the order heretofore entered in this proceeding suspending the operation of the fares between Westwood and

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Susanville be and it is hereby vacated and set aside, and that this proceeding be discontinued and dismissed.

Dated at San Francisco, California, this thirty-first day of August, 1925.

DECISION No. 15356.

IN THE MATTER OF THE APPLICATION OF J. W. HOUK AND J. H. SMITH, COPARTNERS, DOING BUSINESS UNDER THE FIRM NAME OF LASSEN TRANSIT COMPANY, FOR RESTORATION OF TARIFF RATES.

Application No. 11577.
Decided August 31, 1925.

RATES—AUTO STAGE.—Lassen Transit Company authorized to cancel new rates, and to restore rates in effect prior to July 19, 1925.

BY THE COMMISSION.

OPINION.

This is an application by J. W. Houk and J. H. Smith, copartners, doing business under the firm name of Lassen Transit Company, and operating automobile stages between Chico and Susanville, serving intermediate points, the principal one being Westwood, for authority to restore the passenger fares in effect prior to July 19, 1925.

The applicants filed with this Commission June 19, 1925, effective July 19, 1925, Local Passenger Tariff No. 4, C. R. C. No. 4, making reductions in many of the fares at points between Chico and Susanville.

Applicants are in competition with the Mount Lassen Transit Company in the territory between Westwood and Susanville and the reductions in the one-way and round-trip fares were protested by that competing line. On July 17, Mount Lassen Transit Company filed a petition for suspension of the reduced fares in the territory between Westwood and Susanville only, basing its contention on the fact that the proposed reduced fares were not published in good faith, were not compensatory, and would result in direct injury to the operations and revenues of the Mount Lassen Transit Company. They further contend that the Mount Lassen Transit Company maintains a constant service under adverse conditions during all of the winter months, while the applicants herein render service only during the period of good weather, beginning about May 15 and terminating about November 15 of each year. This summer season schedule is in accordance with the Chico-Westwood operating rights held by the Lassen Transit Company and is also claimed to be in accordance with the Westwood-Susanville rights.

Under date July 17, 1925, this Commission instituted Case No. 2147, suspending the proposed reduced one-way and round-trip fares between Westwood and Susanville, and a hearing was held in connection with

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this suspension proceeding on August 10, 1925, which proceeding was duly submitted and is now awaiting our opinion and order.

Applicants' petition in the instant proceeding recites that Tariff C. R. C. No. 4 was prepared and filed as a unit upon the assumption that the entire tariff would be permitted to go into effect, that the suspension of part of the tariff only, by Case No. 2147, was inequitable under all of the circumstances and that the entire tariff should have been suspended and not only a part thereof.

At the hearing held August 10, 1925, in Case No. 2147, the Mount Lassen Transit Company, upon whose petition the tariff was, in part, suspended, stipulated that the Lassen Transit Company's Tariff C. R. C. No. 4 be canceled, not alone as to the fares between Westwood and Susanville, but also as to the fares between Chico and Westwood.

Applicants' plea in this proceeding is that the reduction in the fares locally between Chico and Westwood was conditioned upon a reduction in the fares for the entire route, Chico to Susanville.

The annual reports of Lassen Transit Company show a gross passenger operating revenue in 1922 of $23,338.77; in 1923, $26,367.75, and in 1924, $19,697.55. During none of those years did the owners of the property carry into operating expenses any charge for their personal compensation. In the year 1924 the net operating revenues were $3,285.04, which manifestly represents little, if any, profit after allowance for the owners' personal services.

Upon taking into consideration all of the circumstances surrounding this proceeding, the fact that the operative rights of applicants are involved in Case No. 2116, and that the suspended fares in Case No. 2147 have been adjusted by agreement of the parties, and the further fact that the earnings in 1924 were not excessive, we are of the opinion there is no necessity for a public hearing and that this application should be granted.

Applicants will be permitted to cancel their Local Passenger Tariff No. 4, C. R. C. No. 4, effective July 19, 1925, in its entirety. The cancellation of Tariff C. R. C. No. 4 requires the immediate publication of a new tariff and the restoration of the rates in effect prior to July 19, 1925, as set forth in Local Passenger Tariff No. 3, C. R. C. No. 3.

ORDER.

The Commission being duly advised in the above entitled proceeding and basing its order on the findings of fact as set forth in the preceding opinion;

It is hereby ordered, that J. W. Houk and J. H. Smith, copartners, doing business under the firm name of Lassen Transit Company, be authorized to cancel within twenty (20) days from the date of this order Lassen Transit Company's Passenger Tariff No. 4, C. R. C. No. 4, effective July 19, 1925, and to publish in lieu thereof a new tariff restor-

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ing the passenger fares in effect prior to July 19, 1925, as set forth in Lassen Transit Company's Local Passenger Tariff No. 3, C. R. C. No. 3.

Dated at San Francisco, California, this thirty-first day of August, 1925.

DECISION No. 15362.

IN THE MATTER OF THE APPLICATION OF INTERSTATE TELEGRAPH COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE AND SALE OF ONE HUNDRED FIFTY-ONE THOUSAND DOLLARS PAR VALUE OF FIRST MORTGAGE BONDS.

Application No. 11506.
Decided September 3, 1925.

SECURITIES—BONDS—TO ISSUE.—Interstate Telegraph Company authorized to issue and sell on or before December 1, 1925, at not less than 93 per cent of face value, plus accrued interest, $151,000 of 6 per cent first mortgage gold bonds.

P. R. Ferguson, for Applicant.

BY THE COMMISSION.

OPINION.

The Interstate Telegraph Company asks permission to issue and sell $151,000 face value of its first mortgage 6 per cent 25-year gold bonds due March 1, 1937, and use the proceeds to pay indebtedness.

The Interstate Telegraph Company was organized in 1910 under the laws of Nevada. It owns and operates a telephone and telegraph system at Inyo, Kern, Riverside and San Bernardino counties, in California, and Esmeralda and Nye counties, in Nevada. It operates telephone exchanges located at Bishop, Big Pine, Lone Pine, Independence, Keeler, Randsburg, Victorville and Barstow, in California; and long distance telephone lines extending from San Bernardino to points in Inyo County. It operates no exchanges in Nevada but does operate in that state long distance telephone lines.

The company has an authorized stock issue of $500,000 divided into 500,000 shares of the par value of $1 each. All of the company's stock has been issued and is now outstanding.

Applicant has an authorized bond issue of $500,000, of which $237,000 of bonds are now outstanding. The payment of the bonds is secured by a deed of trust executed to the International Trust Company of Denver, as trustee. The deed of trust is a lien on all of the properties of the company owned at the time such mortgage was executed or thereafter acquired. The bonds of the company are dated March 1, 1912, and mature on March 1, 1937, with interest at the rate of 6 per cent per annum. The mortgage securing the payment of the bonds provides for a sinking fund into which the company agrees to pay annually 20 per cent of its net earnings. The payments made into the sinking fund shall be used to redeem bonds.

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In addition to a bonded debt of $237,000 applicant reports accounts payable due system corporations of $205,822.48. The company has no notes outstanding and its other accounts payable are of only a nominal amount. It is of record that the $205,822.48 is payable to The Nevada-California Electric Corporation, which owns substantially all of applicant's outstanding stock. It is to pay part of this indebtedness that applicant asks permission to issue and sell $151,000 of its first mortgage bonds.

There has been filed in this proceeding as applicant's Exhibit No. 1 a summary of the reproduction cost new of the properties of Interstate Telegraph Company as of December 31, 1914, together with summary figures showing the cash expended from such date to March 31, 1925, for additions to applicant's properties. The reproduction cost new of the company's properties as of December 31, 1914, is reported at $343,917. Adding to such figure the cash expended for additions to property, and adjusting the accounts on account of replacements of property, results in a total of $545,055.27 as of March 31, 1925.

Applicant in its Exhibit "E" reports in detail the cost of additions and betterments to its properties from January 1, 1916, to March 31, 1925. The total expenditure during such period is reported at $242,656.59. From this amount there is deducted $52,906.81 representing property displaced, leaving a net increase in fixed capital of $189,749.78. Against this net increase applicant proposes to issue $151,000 of its first mortgage bonds, which amount represents approximately 80 per cent of the said net increase.

ORDER.

Interstate Telegraph Company having applied to the Railroad Commission for permission to issue $151,000 of its first mortgage bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of such bonds is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that the Interstate Telegraph Company be and it is hereby authorized to issue and sell on or before December 1, 1925, at not less than 93 per cent of their face value and accrued interest, $151,000 of its 6 per cent first mortgage gold bonds due March 1, 1937, and use the proceeds obtained from the sale of such bonds to pay part of the indebtedness referred to in applicant's Exhibit "C."

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It is hereby further ordered, that the authority herein granted to issue bonds will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $151, and that applicant shall keep such record of the issue, sale and delivery of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this third day of September, 1925.

DECISION NO. 15367.

VAN NUYS CHAMBER OF COMMERCE, A CORPORATION,
vs.
WESTERN UNION TELEGRAPH COMPANY, A CORPORATION.

Case No. 2137.
Decided September 3, 1925.

SERVICE—TELEGRAPH UTILITY—PUBLIC NEED.—It is found public need requires that Western Union Telegraph Company establish an office at Van Nuys, Los Angeles, for the conduct of a general telegraph business on and after October 1, 1925, and an order requiring the utility to establish such an office and to file rates with the Commission for such service is issued.

A. D. Hitchcock, for Complainant.
E. C. Vanderbilt, for Defendant.

BY THE COMMISSION.

OPINION.

This is a proceeding in which the Van Nuys Chamber of Commerce, complainant, requests this Commission to require the Western Union Telegraph Company, the defendant, to establish a telegraph office at Van Nuys for the receipt and delivery of telegraph messages and for such other and further relief as may appear just to this Commission.

A hearing was held in this matter before Examiner Williams on August 10, 1925, at Van Nuys.

Defendant claims that the closing of the Western Union Company's office in Van Nuys, during the early part of 1924, has seriously handicapped the community of Van Nuys in the carrying on of its business, that persons wishing to transmit messages have been unduly delayed and that telegraph messages to Van Nuys from other points have had to be received by telephone or mail, which has resulted in confusion and delay. Complainant further alleges that there is sufficient business arising in the community to justify and warrant the establishment of an office at Van Nuys.

A number of witnesses for complainant stated that the present method of receiving and sending telegrams by telephone from Los

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Angeles is unsatisfactory and not only results in delay and confusion in transmitting telegrams but also increases greatly the possibility of errors, and that many errors have been made which would not have occurred if the Western Union Telegraph Company maintained an office at Van Nuys. Prior to April 20, 1924, the Western Union Telegraph Company did maintain a telegraph office in the Southern Pacific Railway Company's depot at Van Nuys. This office was discontinued due to the Southern Pacific Company abandoning its telegraph office at Van Nuys, which was used by it in transmitting and receiving train orders. Since that date the Western Union Telegraph Company has not had an office in the town of Van Nuys.

The townsite of Van Nuys is located in the San Fernando Valley, approximately eighteen (18) miles to the north of Los Angeles, and is a part of the city of Los Angeles. The community of Van Nuys together with the immediate surrounding territory, usually referred to as Van Nuys district, contains a population of approximately fifteen thousand (15,000) persons. The townsite of Van Nuys includes one (1) square mile of territory and has a population of approximately three thousand five hundred (3500) persons.

From the evidence submitted at this hearing, it appears that the present method of sending and receiving telegrams, to and from Van Nuys, is inadequate and unsatisfactory and that the public need requires the Western Union Telegraph Company to establish a telegraph office at Van Nuys. The Western Union Telegraph Company made no protest to the request of the complainant and did not submit nor offer to submit any evidence to show that it should not establish such telegraph office, or that revenue which it might receive would not justify the maintenance of an office at Van Nuys. The order following will provide that the Western Union Telegraph Company establish a telegraph office in Van Nuys for the carrying on of a general telegraph business on and after October 1, 1925.

ORDER.

The Van Nuys Chamber of Commerce having brought a formal complaint against the Western Union Telegraph Company, requesting this Commission to require the Western Union Telegraph Company to reestablish a telegraph office at Van Nuys, for the receipt and delivery of telegraph messages and for such relief as may appear just to the Commission, and a public hearing having been held, the matter having been submitted and now ready for decision, the Railroad Commission of the State of California finds as a fact that the present method of sending and receiving telegrams, to and from Van Nuys, is inadequate and unsatisfactory and that the public need of the community of Van

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Nuys and surrounding territory requires the Western Union Telegraph Company to establish a telegraph office at Van Nuys.

Basing its order on the foregoing findings of fact and upon such other findings and statements of fact as are set forth in the opinion preceding this order;

It is hereby ordered, that Western Union Telegraph Company shall

(1) Establish a telegraph office in the town of Van Nuys for the receipt and transmission of telegrams and for the carrying on of a general telegraph business on and after October 1, 1925.

(2) File with the Railroad Commission, on or before September 15, 1925, rates for telegraph service between Van Nuys and other telegraph points, determined in accordance with the standard methods set forth in the telegraph rate schedules of the Western Union Telegraph Company on file with the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this third day of September, 1925.

DECISION NO. 15370.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION; SIERRA AND SAN FRANCISCO POWER COMPANY, A CORPORATION; OAKDALE IRRIGATION DISTRICT AND SOUTH SAN JOAQUIN IRRIGATION DISTRICT, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA APPROVING AGREEMENT HEREIN REFERRED TO, AND GRANTING TO FIRST TWO NAMED APPLICANTS A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Application No. 11447.
Decided September 3, 1925.

CERTIFICATE—ELECTRIC UTILITY—CONSTRUCTION AGREEMENT.—Pacific Gas and Electric Company authorized to enter into an agreement with Oakdale Irrigation District and South San Joaquin Irrigation District to construct a power project below Melones Dam of the joint irrigation project of those two districts, and to pay for said privilege at the rate of $64,680.50 in semi-annual installments until $5,175,000 has been paid, same to be used by the districts in financing the irrigation and storage works. Upon completion of such payments the power company will pay one-half the cost of maintaining the dam and reservoir, estimated at $2,000 a year.

Charles P. Cutten, for Pacific Gas and Electric Company.
Chickering and Gregory, by *Warren Gregory,* for Sierra and San Francisco Power Company.
Nutter, Hancock and Rutherford, for South San Joaquin Irrigation District.
P. H. Griffin, for Oakdale Irrigation District.

BY THE COMMISSION.

OPINION.

The Railroad Commission is asked to make an order approving the agreement (applicants' Exhibit "A") of January 2, 1925, as amended

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by the agreement (applicants' Exhibit "A-1") of April 28, 1925, between Oakdale Irrigation District and South San Joaquin Irrigation District, hereinafter called the "irrigation districts," and Sierra and San Francisco Power Company and Pacific Gas and Electric Company, hereinafter called the "power companies;" and to declare that present and future public convenience and necessity require and will require the construction by the power companies of the power plant and project referred to in said agreement and in this application.

The agreement to which reference has been made provides for the construction by the irrigation districts of a dam across the Stanislaus River situated about the center of section 11, township 1 north, range 13 east, M. D. B. and M., and bearing north 41 degrees 42 minutes west, 3330 feet from the southeast corner of said section 11. The dam is spoken of as "Melones Dam." The reservoir to be created through the construction of the dam is to have a maximum capacity of 112,500 acre-feet of water. The electors of the irrigation districts have authorized the issue of bonds to pay the cost of constructing the dam, each district having been authorized to issue $1,100,000 of 5 per cent 40-year serial bonds.

The agreement provides for the construction by the power companies of a hydro-electric power plant and necessary appurtenances below the Melones Dam. The irrigation districts are obligated to secure and convey to the Sierra and San Francisco Power Company free of charge a site for the construction of the hydro-electric power plant and transformer station, rights of way for tunnels and conduits to carry the water from the reservoir to the power plant and back into the Stanislaus River, rights of way for a transmission line and all rights, easements and permits necessary to construct the project. The power plant will be located in Tuolumne County, section 10, township 1 north, range 13 east, M. D. B. and M. It is of record that the power house will be of steel and concrete construction and that there will be installed two 13,500 k. v. a. generating units with turbines suitable to operate under a 235-foot head. The tunnel from the reservoir to the power plant will be about 4500 feet in length and will have a capacity of 1500 c. f. s. The power companies propose to construct one one-circuit 110,000 volt transmission line about 7½ miles long from the power plant to the transmission line of the Sierra and San Francisco Power Company at Copperopolis. From Copperopolis to Manteca, a distance of about 35 miles, another circuit will be strung on the vacant position of the No. 2 transmission line of the Sierra and San Francisco Power Company. The cost of the power plant is estimated at $2,530,000 while the cost of the transmission line from the power plant to Copperopolis is estimated at $108,000 and the additional circuit from Copperopolis to Manteca $50,000, making a total estimated

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expenditure which the power companies will have to incur of about $2,688,000.

The agreement between the irrigation districts and the power companies obligates the power companies to pay the irrigation districts $5,175,000 in semiannual installments of $64,680.50, such installments to be paid on December 15 and June 15 of each year. The payments shall be used by the irrigation districts for the following purposes: "first, to pay the interest secured upon the bonds, the proceeds from the sale of which were used to construct the Melones Dam; second, to purchase and cancel, from time to time any of said outstanding bonds, to the end that said bonds shall be retired and canceled at the earliest practical date; and, third, and thereafter for such other purposes as the irrigation districts may desire." The $5,175,000 should be sufficient to redeem the bonds issued by the irrigation districts to construct the Melones Dam with interest thereon. Until the entire $5,175,000 has been paid the irrigation districts are required to bear the cost of maintaining the Melones Dam and reservoir including head gates and trash racks. After the payment of the $5,175,000 one-half of the cost of maintenance of such dam and reservoir shall be borne by the irrigation districts and one-half by the power companies. It is estimated that the cost of maintaining such dam and reservoir will be approximately $2,000 per annum.

The agreement between the irrigation districts and the power companies settles all questions between them as to their rights in or to the flow of the Stanislaus River, or any of its tributaries, or for the right of storage of said water. It is believed by representatives of the irrigation districts that the agreement is to their advantage because it will permit the development of an additional water supply and thus enable the irrigation districts to furnish water to all of the land within their boundaries. The power companies on the other hand feel that they have need for additional power and that the cost of the additional power is not unreasonable. We believe that the execution of the agreement between the irrigation districts and the power companies to which reference has been made and the construction of the power plant and appurtenances is in the public interest.

The interest and obligations of the Pacific Gas and Electric Company in this matter arise by virtue of its operating, under a lease dated December 31, 1919, the properties of the Sierra and San Francisco Power Company. Until the termination of such lease the Pacific Gas and Electric Company shall have the rights and assume the obligations imposed upon the power companies by the agreement between the irrigation districts and the power companies. Upon the termination of the lease the Sierra and San Francisco Power Com-

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pany succeeds to all of the rights and assumes all of the obligations of the power companies.

ORDER.

The Railroad Commission having been asked to make an order approving the agreement to which reference has been made in the foregoing opinion and to authorize the Sierra and San Francisco Power Company and Pacific Gas and Electric Company to construct a hydroelectric plant and appurtenances, also referred to in the foregoing opinion, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that this application should be granted as herein provided; therefore,

The Railroad Commission hereby declares that the present and future public convenience and necessity require and will require the construction by Sierra and San Francisco Power Company and Pacific Gas and Electric Company of the power plant and project, including the power house and power house equipment, tunnel, steel pressure pipe and transformer station, and the construction and use by said companies of the transmission lines, to all of which reference is made in the foregoing opinion and in this application;

It is hereby ordered, that Pacific Gas and Electric Company and Sierra and San Francisco Power Company be and they are hereby authorized to enter into and execute an agreement substantially in the same form as the agreement filed in this proceeding as applicants' Exhibit "A" and applicants' Exhibit "A-1," which agreements are hereby approved.

Dated at San Francisco, California, this third day of September, 1925.

DECISION No. 15379.

IN THE MATTER OF THE APPLICATION OF CALIFORNIA TRANSIT COMPANY, A CORPORATION, FOR AUTHORITY TO ESTABLISH INTERDIVISION PASSENGER FARES AND TO CONSOLIDATE AND UNIFY ITS OPERATIVE RIGHTS WITH THE OPERATIVE RIGHTS HELD UNDER A LEASE FROM S. F. B. MORSE.

Application No. 11300.
Decided September 11, 1925.

RATES—CERTIFICATE—UNIFIED SERVICE.—It is held that the application presents an inconsistent adjustment of fares to meet a doubtful competitive situation and violates all principles of rate making. Denied.

Earl A. Bagby, for Applicant.
Warren E. Libby, for Pickwick Stages System, Protestant.

BY THE COMMISSION.

OPINION.

This is an application of the California Transit Company, a corporation, for authority to establish interdivision passenger fares lower

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than the full combination of local fares, between Pacific Grove, Monterey and Del Monte on the one hand, points located on the Monterey Peninsula-Yosemite Auto Service (S. F. B. Morse, owner), hereinafter referred to as the Morse line, and on the other hand points located on the auto stage lines of the applicant, California Transit Company, hereinafter referred to as the Transit Company, in the territory north and south of Los Banos and Merced, the principal points north of Los Banos on the west side being Newman and Tracy and on the east side, north of Merced, Turlock, Modesto, Stockton, Lodi and Sacramento. To the south the principal points are Firebaugh, Mendota, Chowchilla, Madera and Fresno.

The applicant also seeks authority for the consolidation and unification of the operative rights of its lines and those of the Morse line, which latter rights are now controlled by applicant under a lease arrangement.

Public hearings were conducted at San Francisco July 29 and August 7, 1925, before Examiner Geary, and the matters and things having been duly submitted and briefed are now ready for an opinion and order.

The Transit Company operates automobile stages over a large territory in northern California and, in certain territory, is in competition with the Pickwick Stages, intervener in opposition to this application. The operative rights of the Morse line cover the territory between Pacific Grove and Merced via the so-called Pacheco Pass road, through Los Banos, a distance of 126 miles. The service via this line is rendered only during the period of the year from April 15 to October 15. This operative right was granted by the Commission in Application No. 9313, Decision No. 14619, June 9, 1924, to satisfy the demands of the traveling public for direct transportation between points on the Monterey Peninsula and the Yosemite Valley, the Morse line connecting at Merced with the transportation companies operating between points in the valley.

In connection with Application No. 11004 the Commission issued a preliminary order, Decision No. 14917, May 12, 1925, authorizing the Transit Company to lease from the Morse line the operative rights between Pacific Grove and Merced, and applicant is now operating this line under its own tariffs, applying the fares formerly in effect via the Morse line. A daily schedule is maintained between Pacific Grove, Monterey, Del Monte and Los Banos. At Los Banos passengers are transferred to connecting stages operated by the Transit Company.

To the original application there was attached an exhibit setting forth the proposed one-way and round-trip fares. These fares, however, as developed at the preliminary hearing, were entirely out of line, containing fares higher for a shorter than for a longer distance

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and, therefore, were in violation of the state constitution. At the morning session of the adjourned hearing amended fares were proposed but these, on cross-examination by the attorney for the competing lines, proved unsatisfactory and a third proposed schedule was introduced at the afternoon session, which was also protested by the competing carriers. The application and the amendments thereto clearly illustrate the fact that no careful study was given to a proper and equitable adjustment of the fares involved.

The proposed fares of applicant apply in the territory served through San Jose and Livermore via one route and through Salinas and Los Banos via another route in conjunction with the Pickwick Stages. The one-way fare now in effect via the San Jose route, between Monterey and Stockton, is $5.70; from Stockton north to Sacramento and from Stockton south to Fresno the fares via the competing line are on a graded basis, normally increasing as the distance increases. There is also in effect between Monterey and Fresno, via Salinas and Los Banos, a combination fare of $7. In the operation of the latter route the Pickwick Stages traverse Pacheco Pass through Los Banos, practically paralleling the Morse line.

The fares proposed by applicant are primarily for the purpose of meeting the competition of the joint fares in connection with the Pickwick Stages.

To avoid violations of the long and short haul clause of the constitution and to meet the competitive rate of $5.70 to Stockton, applicant proposes to blanket its Monterey to Stockton rate of $5.85 over the territory from Newman to Stockton. As illustrative of the inequalities which would be created attention is directed to the one-way fares from Monterey to Los Banos of $5 for a distance of 91 miles; to Volta of $5.25 for five miles; to Gustine of $5.65 for 17 miles, and to Newman of $5.85 for an additional 4 miles. This $5.85 fare, then, blankets Newman to Stockton, a distance of 64 miles. Stated another way, a passenger would pay $5 for the first 91 miles, Monterey to Los Banos, and 85 cents for the next 90 miles, from Los Banos to Stockton. The local fare from Newman to Stockton is $2.35. It would appear this would open the way for the breaking down of the local fares at points between Los Banos and Stockton.

A similar adjustment occurs at points on the east side of the San Joaquin Valley. The proposed one-way fare between Monterey and Merced of $6.30 has been blanketed north to Turlock, a distance of 26 miles, Turlock being the point where the fares of the competing line are met over the short mileage, through San Jose and Livermore. This same one-way fare is also extended south to Berenda, approximately 25 miles, making the blanket 50 miles. Other illustrations might be cited, but they would serve no useful purpose.

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This application presents an inconsistent adjustment of fares to meet a doubtful competitive situation and violates all of the principles of rate making. The public may be entitled to through fares and a more unified operating time schedule, but the adjustments here proposed can not be authorized upon this record, and since the Morse line operates only until October 15th the application will be denied without prejudice to the filing of a new application in proper form and at the proper time.

ORDER.

This application having been duly heard and submitted by the parties, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order;

It is hereby ordered, that this application be and the same is hereby denied without prejudice.

Dated at San Francisco, California, this eleventh day of September, 1925.

DECISION No. 15380.

IN THE MATTER OF THE APPLICATION OF GILROY TELEPHONE COMPANY, A CORPORATION, FOR PERMISSION TO ISSUE ITS CAPITAL STOCK IN REIMBURSEMENT OF ITS TREASURY FOR UNAPPROPRIATED SURPLUS INVESTED IN PLANT AND FOR PERMISSION TO SELL STOCK AND FOR THE ACQUISITION OF REAL PROPERTY AND FOR EXTENSIONS, ADDITIONS AND BETTERMENTS TO PLANT.

Application No. 11584.
Decided September 11, 1925.

SECURITIES—STOCK—TO ISSUE.—Gilroy Telephone Company authorized to issue $40,550 of its common capital stock.

Albert A. Rosenshine, for Applicant.

BY THE COMMISSION.

OPINION.

In this application Gilroy Telephone Company asks permission to issue 4055 shares of its capital stock of the aggregate par value of $40,550 for purposes hereinafter indicated.

Gilroy Telephone Company was organized on or about March 25, 1911, for the purpose of acquiring and operating a telephone plant in and about the city of Gilroy, Santa Clara County. The company has an authorized capital stock of $100,000 divided into 10,000 shares of the par value of $10 each, all common, of which 1806 shares of the aggregate par value of $18,060 are now outstanding. It has no bonds or other indebtedness outstanding except current accounts payable and $18,000 due on account of the purchase of land.

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Applicant reports its assets and liabilities as of June 30, 1925, as follows:

Assets.

Fixed capital	$63,440 91
Cash and deposits (general)	3,078 56
Employees' working fund	967 71
Due from subscribers and agents	458 15
Materials and supplies	185 12
Prepaid expenses	164 06
Reserve fund assets	4,447 28
Deferred debit items	4 90
Total assets	$72,746 69

Liabilities.

Capital stock	$18,060 00
Corporate surplus unappropriated	11,961 96
Appreciated plant and equipment	6,883 04
Surplus appropriated to depreciation reserve fund	1,064 80
Reserve for accrued depreciation	15,186 72
Reserve for amortization of intangible capital	66 30
Audited vouchers and wages unpaid	430 28
Taxes accrued and not due	548 36
Subscribers' advance payments	545 23
Bills payable	18,000 00
Total liabilities	$72,746 69

The company asks permission to issue $8,550 of the stock herein applied for in reimbursement of its treasury on account of surplus earnings invested in plant during the period from January 1, 1922, to June 30, 1925. As shown in the foregoing balance sheet applicant's corporate surplus unappropriated as of June 30, 1925, amounted to $11,961.96, of which W. E. Hills, applicant's auditor, stated that in his opinion at least $8,550.18 had been invested in property. In support of the request reference was made to Exhibit "B" attached to the petition, which shows capital expenditures, from January 1, 1922, to June 30, 1925, of $10,141.05. From this amount there is deducted $913.89, said to represent the proportion heretofore reimbursed from the depreciation fund, and $676.98, said to represent the proportion represented in materials and supplies which previously had been recovered from old plant retired from service and thereafter used again. Making these two deductions there is left the sum of $8,550.18 on account of which applicant believes it should be permitted to issue the $8,550 of stock in reimbursement. After reimbursement it is the intention to distribute the stock as a stock dividend.

The remaining $32,000 of stock herein applied for applicant intends to sell at par for cash. It asks permission to use $7,000 of the proceeds to reimburse its depreciation reserve fund on account of an expenditure of like amount made in the purchase of property, $18,000 to pay indebtedness incurred for the same purpose and $7,000 to finance the cost of additions and betterments.

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The application shows that on June 1, 1925, the company entered into an agreement with Gilroy Investment Company providing for the purchase by the company for $25,000 of a parcel of land 25.3 feet by 140 feet located in the city of Gilroy together with improvements consisting of a two-story brick building which is now used by applicant for its central office. Of the purchase price, $7,000, which was obtained from the depreciation fund, was paid in cash upon the signing of the agreement and $18,000 will be due June 1, 1926, with interest at 6 per cent per annum.

The additions and betterments to be financed with the remaining $7,000 include $3,478.50 due Western Electric Company for additional switchboards, $225 for additional furniture and equipment, about $2,000 for additional cables and about $1,296.50 for miscellaneous additions and betterments normally installed in the ordinary course of business.

ORDER.

Gilroy Telephone Company having applied to the Railroad Commission for permission to issue $40,550 of its capital stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue of stock is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Gilroy Telephone Company be and it hereby is authorized to issue on or before March 31, 1926, $40,550 of its common capital stock.

The authority herein granted is subject to the following conditions:

1. Applicant may issue $8,550 of the stock herein authorized to reimburse its treasury because of surplus earnings invested in plant prior to June 30, 1925, and thereafter distribute such stock to its stockholders as a stock dividend.

2. Applicant may sell the remaining $32,000 of stock herein authorized for cash at not less than par, and may use $7,000 of the proceeds to reimburse its depreciation fund, $18,000 to pay the indebtedness due Gilroy Investment Company and $7,000 to finance the cost of additions and betterments described in Exhibit "D."

3. Applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

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4. The authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this eleventh day of September, 1925.

DECISION NO. 15383.

IN THE MATTER OF THE APPLICATION OF GREAT WESTERN POWER COMPANY OF CALIFORNIA FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF A CERTAIN ELECTRIC TRANSMISSION LINE AND FOR THE EXERCISE OF CERTAIN FRANCHISES GRANTED BY THE COUNTIES OF SAN JOAQUIN, STANISLAUS AND MERCED.

Application No. 11295.

Decided September 12, 1925.

CERTIFICATE—ELECTRIC UTILITY—FRANCHISE RIGHTS.—Application of Great Western Power Company of California to exercise franchise rights to construct and operate an electric transmission line in San Joaquin, Stanislaus and Merced counties, granted.

Guy C. Earl and *Chaffee E. Hall*, by *Chaffee E. Hall*, for Great Western Power Company of California.

C. P. Cutten for Pacific Gas and Electric Company, as lessee of Sierra and San Francisco Power Company.

Chickering and Gregory, by *W. C. Fox*, for Western States Gas and Electric Company.

DECOTO, *Commissioner*.

OPINION.

In Application No. 11295, Great Western Power Company of California asks the Commission to make its order that public convenience and necessity require applicant to construct and operate a certain electric transmission line, and to exercise those rights and privileges under certain franchises granted by the counties of San Joaquin, Stanislaus and Merced.

It appears that the transmission line in question will extend from applicant's Brighton substation in the county of Sacramento, in a southerly direction through the counties of Sacramento, San Joaquin, Stanislaus and Merced, there to connect with the electric system of San Joaquin Light and Power Corporation. The line will be of steel tower construction, the initial installation being one circuit operating at 165,000 volts. Provision will be made for ultimate operation of two 220,000 volt circuits. The estimated cost of the initial installation is $2,770,000.

The purpose of the line is to physically connect the systems of applicant and San Joaquin Light and Power Corporation, both companies now being jointly controlled through stock ownership. Such interconnection will make possible the interchange of blocks of power, resulting in better service conditions and certain economy of operation.

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The franchises under which applicant desires to exercise its rights are as follows:

Ordinance No. 375 adopted by the board of supervisors, San Joaquin County, May 25, 1925. Ordinance No. 172 adopted by the board of supervisors, Merced County, June 1, 1925. Ordinance No. 133 adopted by the board of supervisors, Stanislaus County, June 8, 1925. Copies of these ordinances have been filed in this proceeding.

In general these ordinances grant the necessary rights and privileges for building and operating electric distribution systems for a period of 50 years. Applicant paid for each franchise the sum of $100, there being also certain incidental costs of acquiring each franchise. Applicant will file with this Commission a resolution of its board of directors, duly and legally passed, to the effect that applicant, its successors, transferees and assigns, will never urge before this Commission or other regulatory body any value for these franchises in excess of actual cost of same to applicant. Provision will be made in the accompanying order to have the authority herein granted become effective upon supplemental order of the Commission, such supplemental order to issue upon the filing of said resolution with the Commission. Counsel for applicant stated that his company will exercise, under the franchises in question, only such rights and privileges as are necessary to construct and operate the proposed transmission line, and the accompanying order will so limit applicant's activity.

In granting the certificate of public convenience and necessity requested, the Commission does not undertake to pass upon the present expediency of the expenditures involved, but reserves this question for consideration in connection with future rate cases dealing with the utilities involved.

I hereby submit the following form of order:

ORDER.

Great Western Power Company of California having asked the Railroad Commission to make its order certifying that public convenience and necessity require the construction of an electric transmission line interconnecting the systems of applicant and San Joaquin Light and Power Corporation, and the exercise of those rights and privileges granted applicant under Ordinance No. 375 passed May 25, 1925, by the board of supervisors of San Joaquin County, Ordinance No. 172 passed June 1, 1925, by the board of supervisors of Merced County, and Ordinance No. 133 passed June 8, 1925, by the board of supervisors of Stanislaus County, public hearing having been held and good cause appearing:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require, and will require, the

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construction and operation of an electric transmission line interconnecting the system of applicant and the system of San Joaquin Light and Power Corporation, which proposed electric transmission line is more particularly described in Application No. 11295.

The Railroad Commission further declares that public convenience and necessity require, and will require, the exercise by Great Western Power Company of California, its successors and assigns, of the rights and privileges conferred upon it by Ordinance No. 375 passed May 25, 1925, by the board of supervisors of San Joaquin County, Ordinance No. 172 passed June 1, 1925, by the board of supervisors of Merced County, and Ordinance No. 133 passed June 8, 1925, by the board of supervisors of Stanislaus County, in so far as the exercise of such rights and privileges are necessary to the construction and operation of an electric transmission line interconnecting the system of applicant and the system of San Joaquin Light and Power Corporation and for no other purpose.

The authority herein granted will become effective upon the supplemental order of this Commission.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twelfth day of September, 1925.

DECISION NO. 15384.

IN THE MATTER OF THE APPLICATION OF THE GREAT WESTERN POWER COMPANY OF CALIFORNIA FOR AUTHORITY TO ISSUE AND SELL ONE MILLION DOLLARS OF SEVEN PER CENT PREFERRED STOCK AND TWO MILLION DOLLARS OF SIX PER CENT.

Application No. 11627.

Decided September 12, 1925.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Application of Great Western Power Company of California for authority to issue and sell $3,000,000 of preferred stock, granted.

Guy C. Earl and *Chaffee E. Hall*, by *Chaffee E. Hall*, for Applicant.

DECOTO, *Commissioner*.

OPINION.

Great Western Power Company of California asks permission to issue and sell at not less than par $1,000,000 par value of its 7 per cent cumulative preferred stock and to issue and sell at not less than 87½ per cent of par value $2,000,000 of its Series "A" 6 per cent cumulative stock and to consolidate the proceeds obtained from the sale of such stock with the proceeds obtained from the sale of the $2,000,000 of

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stock authorized to be issued pursuant to Decision No. 15124, dated July 3, 1925. The company further asks permission to use such consolidated proceeds to pay in part either the cost of raising the dam at Lake Almanor (Decision No. 15124) or constructing the transmission line and appurtenances to which reference is made herein.

Great Western Power Company of California under its amended articles of incorporation has an authorized capital stock issue of $60,000,000 divided into 600,000 shares of the par value of $100 each. Of its authorized stock 150,000 shares are preferred stock, 150,000 shares preferred stock Series "A" and 300,000 shares represent common stock. The preferred stock bears cumulative dividends at the rate of 7 per cent per annum. The preferred stock Series "A" bears cumulative dividends at the rate of 6 per cent per annum. Both classes of preferred stock are redeemable at the option of the company at $105 per share and accumulated dividends. The only distinction so far as the preference of the two classes of stock is concerned is that of the rate of dividend.

The testimony shows that the company has outstanding approximately $11,405,000 of 7 per cent preferred stock. In addition it has received subscriptions for about $2,481,000 of such stock. The company will issue additional 7 per cent preferred stock but only in such amount as may be necessary to fill subscriptions which may be received prior to its undertaking to sell the 6 per cent preferred stock. It is believed by representatives of applicant that it can sell its 6 per cent stock on a better basis than a 7 per cent stock callable at $105 per share.

In Application No. 11295 the company asks permission to construct and operate a transmission line from its Brighton substation in Sacramento County to a point near Merced, a distance of about 104 miles. The company estimates that the cost of such transmission line and appurtenances will be $2,769,702.50, which estimated cost is segregated by the company as follows:

Steel tower line including right of way	$2,145,360 00
Survey for same	14,612 50
Telephone line and equipment	33,010 00
Connection at Brighton	59,235 00
Substation at Merced including seven 10,000 k. v. a. auto transformers	348,205 00
25,000 k. v. a. synchronous condenser at Merced substation	169,180 00

The necessity for the construction of the transmission line is discussed in the decision in Application No. 11295.

I herewith submit the following form of order:

ORDER.

Great Western Power Company of California having applied to the Railroad Commission for permission to issue $3,000,000 of its

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preferred stock, a public hearing having been held and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of such stock is reasonably required by the applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income and that this application should be granted as herein provided; therefore,

It is hereby ordered, that the Great Western Power Company of California be and it is hereby authorized to issue and sell on or before June 30, 1926, at not less than par and accrued dividends $1,000,000 of its 7 per cent cumulative preferred stock and to issue and sell on or before June 30, 1926, at not less than 87½ per cent of par value and accrued dividends $2,000,000 of its 6 per cent cumulative preferred stock.

It is hereby further ordered, that the order in Decision No. 15124, dated July 3, 1925, in Application No. 11110 be and it is hereby modified so as to permit Great Western Power Company of California to consolidate the proceeds received or to be received from the sale of the bonds and stock referred to therein with the proceeds obtained from the sale of the stock herein authorized to be issued and to use such consolidated proceeds to pay in part the construction expenses referred to in said Decision No. 15124 or to pay in whole or in part the cost of the transmission line and appurtenances referred to in the opinion which precedes this order. In all other respects the order in Decision No. 15124 shall remain in full force and effect.

The authority herein granted is subject to further conditions as follows:

1. Applicant shall file with the Railroad Commission monthly progress reports covering the construction of the transmission line and appurtenances referred to in the opinion which precedes this order.

2. Applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted will become effective upon the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twelfth day of September, 1925.

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DECISION No. 15386.

IN THE MATTER OF THE APPLICATION OF SONOMA VALLEY WATER, LIGHT AND POWER COMPANY, SONOMA CITY WATER WORKS AND SONOMA VISTA WATER COMPANY FOR PERMISSION TO SELL CERTAIN PROPERTIES TO THE SONOMA WATER AND IRRIGATION COMPANY, AND IN THE MATTER OF THE APPLICATION OF SONOMA WATER AND IRRIGATION COMPANY FOR PERMISSION TO PURCHASE SAID PROPERTIES AND TO ISSUE ONE HUNDRED THOUSAND DOLLARS OF ITS PREFERRED STOCK AND FIFTY THOUSAND DOLLARS OF ITS COMMON STOCK FOR THE PURPOSE OF ACQUIRING SAID PROPERTIES; TO CONSOLIDATE THE DISTRIBUTING SYSTEMS OF THE THREE PROPERTIES AND TO PUT IN A CONCRETE BOTTOM IN THE RESERVOIR NOW OWNED BY SONOMA VALLEY WATER, LIGHT AND POWER COMPANY.

Application No. 6637.

Decided September 12, 1925.

TRANSFER—WATER UTILITY—STOCK—TO ISSUE.—Extension of time granted to June 30, 1926.

Leon C. Osteyee, for Sonoma Water and Irrigation Company.
L. V. Emparan, for Sonoma City Water Works.
A. E. Joscelyn, for Sonoma Vista Water Company.
H. A. Postlethwaite, City Attorney, for City of Sonoma, Protestant.

BY THE COMMISSION.

THIRD SUPPLEMENTAL OPINION.

On August 11, 1925, Sonoma Water and Irrigation Company asked the Commission to extend the time within which such company may issue and sell the $100,000 of preferred stock, the issue of which the Commission authorized by Decision No. 9683, dated October 31, 1921. The time within which the company was authorized to issue, sell and deliver the stock expired January 1, 1924. Up to that time the company had issued, according to the record, $3,600 par value of such stock.

By its order of August 15, 1925, the above entitled proceeding was reopened for further hearing and determination. Such hearing was held before Examiner Fankhauser on August 27th at Sonoma.

By Decision No. 9683, dated October 31, 1921, the Railroad Commission authorized the Sonoma Valley Water, Light and Power Company, the Sonoma City Water Works and Sonoma Vista Water Company to sell their properties described in schedules 1, 2 and 3 attached to such decision, to Sonoma Water and Irrigation Company and authorized the Sonoma Water and Irrigation Company to issue in part payment therefor $40,000 of common stock and to issue and sell at not less than 80 per cent of its par value $100,000 of 8 per cent cumulative preferred stock.

The Commission's decision provides that the common stock shall be delivered to the Sonoma Valley Water, Light and Power Company in

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part payment for the properties of that company, which properties the Sonoma Water and Irrigation Company may purchase subject to an indebtedness of $10,000. The properties of the Sonoma Valley Water, Light and Power Company have been acquired by Sonoma Water and Irrigation Company.

At the hearing had on August 27th Mrs. L. V. Emparan, one of the partners owning the city water works at Sonoma, and A. E. Joscelyn, owning the Sonoma Vista Water Company, testified that they were willing to sell their properties to the Sonoma Water and Irrigation Company. Mrs. Emparan testified that they would sell their properties for $30,000 cash and that the properties they proposed to sell were substantially the same as the properties described in schedule 2 annexed to Decision No. 9683. A. E. Joscelyn of the Sonoma Vista Water Company testified that he was willing to sell his water works system to Sonoma Water and Irrigation Company for $10,650 and that the properties which he was proposing to sell were substantially the same as the properties in schedule 3, annexed to Decision No. 9683, excepting that lots 3 and 4 would not be transferred. He is of the opinion that the additions and betterments installed since 1921 more than offset the value of lots 3 and 4 which he does not now propose to transfer.

At former hearings it was contemplated that the Sonoma Water and Irrigation Company and its predecessor, Sonoma Valley Water, Light and Power Company, would exercise an option to purchase the O'Brien Ranch, consisting of approximately 1100 acres, and pay for such ranch $50,000. It has since been concluded to purchase the O'Brien Ranch at a cost of $40,000, $10,000 to be paid in cash, and the balance within five years, the payment of such balance to be secured by a mortgage on the properties. The reason for desiring to acquire the O'Brien Ranch is to secure an additional water supply. The testimony offered at the hearing on August 27th, as well as the testimony submitted at former hearings in this proceeding, indicate that the ownership of the O'Brien Ranch is essential and necessary for securing to the communities served by the several water systems an adequate water supply. It should be stated in this connection that Sonoma Water and Irrigation Company can not execute a mortgage to secure the payment of the balance due on the O'Brien Ranch without the consent of the Commission. A copy of the proposed mortgage should be filed with the Commission as well as a supplemental petition for permission to execute the mortgage and issue a note or notes or other evidence of indebtedness to represent the balance due on the O'Brien Ranch.

It is the purpose of Sonoma Water and Irrigation Company, if its request is granted, to endeavor to sell its preferred stock and use the proceeds to acquire the properties of the Sonoma City Water Works,

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Sonoma Vista Water Company and the O'Brien Ranch and consolidate such water systems with that now owned and operated by Sonoma Water and Irrigation Company. The secretary of the Sonoma Water and Irrigation Company has submitted a statement showing that such company should expend approximately $79,000 for the following purposes:

W. Chester a/c indebtedness due on purchase of properties of Sonoma Valley Water, Light and Power Company	$10,000 00
O'Brien Ranch a/c purchase	10,000 00
Purchase Sonoma City Water Company plant	30,000 00
Purchase Sonoma Vista Water Company plant, operative properties	10,000 00
Reservoir repairs	4,000 00
2,600 ft. 8" pipe (laid) @ 82¢ from reservoir to gate	2,132 00
3,900 ft. 8" pipe (laid) @ 82¢ from reservoir to creek intake	3,198 00
5,200 ft. 6" pipe (laid) @ 66¢ Sonoma Vista plant	3,432 00
1,000 ft. 4" pipe connecting spring	480 00
Labor, extensions, etc.	5,758 00
Total	$79,000 00

The money necessary to pay for the properties to which reference has been made and to make the improvements is to be obtained from the sale of 8 per cent cumulative preferred stock. A statement has been submitted estimating the revenues from the consolidated and extended properties as follows:

Sonoma City Water Works	$5,860 00
Sonoma Valley Water Company	1,400 00
El Verano System	400 00
Revenue from sales of water for irrigation	7,200 00
Total	$14,860 00

Representatives of the city of Sonoma appeared at this hearing and protested against granting the request of the company and permitting the consolidation of the water systems. They protest the granting of the application, first, for the reason that the consolidation of the properties and the issue of the preferred stock may result in an increase in the rates; second, that the water from the plant of Sonoma City Water Works might be diverted to serve the demands of consumers on other systems, and that the consolidation of the systems may result in the city of Sonoma being furnished with water inferior in quality to that now being supplied by the Sonoma City Water Works.

We have considered the protest of representatives of the city of Sonoma and feel that they do not justify a denial of applicant's request. Any one or all of the present owners of the utilities to be consolidated may file an application for permission to increase rates. Were the properties consolidated and the applications filed by Sonoma Water and Irrigation Company, the Commission would, as in the case of the separate applications, give primary consideration to the value of the properties used and useful in rendering public service. At no

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time has the Commission considered dividends or even interest on indebtedness as an operating expense. The secretary of Sonoma Water and Irrigation Company testified that there would be no diversion of Sonoma City Water Works water to other communities for the reason among others that such diversion would increase operating expenses. The management will endeavor to reduce rather than increase operating expenses and it is with that end in view that it proposes to interconnect the three public utility water systems. The evidence before us does not show that the water now sold by Sonoma Water and Irrigation Company, or that which it intends to sell in the future, is unfit for human consumption. Should the water become unsuitable for domestic use, this Commission and the State Board of Health have sufficient authority to require the utility to remedy the situation.

While we have recited the purposes for which the Sonoma Water and Irrigation Company intends to expend the proceeds from the sale of the preferred stock, the Commission will not at this time modify condition 3 of the order in said Decision No. 9683 reading:

> Of the proceeds realized from the sale of preferred stock, the company may expend for commission or brokerage fees and organization expenses, an amount equal to 20 per cent of the par value of the stock, assuming that the stock is sold at par or more. If the stock is sold for less than par, the amount that may be expended for commission or brokerage fees and organization expenses shall be limited to the difference between the selling price of the stock and 80. Commission or brokerage fees may be paid only in proportion to the amount of cash actually paid by stock subscribers. All proceeds, other than the amount which is herein permitted to be expended, must be deposited by the Sonoma Water and Irrigation Company in a bank or banks and not expended for any purpose other than that hereafter authorized by the Railroad Commission. All expenses, such as the cost of advertising, traveling expenses, printing prospectuses, etc., incident to the sale of the stock, as well as the usual organization expenses, must be paid out of the allowances for commissions or brokerage fees or organization expenses.

SIXTH SUPPLEMENTAL ORDER.

Sonoma Water and Irrigation Company having asked the Railroad Commission to modify its order in Decision No. 9683, dated October 31, 1921, so as to grant the company additional time within which to sell its preferred stock authorized to be issued by said decision, a public hearing having been held and the Railroad Commision being of the opinion that the request of the company should be granted and that the order in said decision should be modified in other respects as herein provided; therefore,

It is hereby ordered, that the time within which Sonoma Water and Irrigation Company may issue, sell and deliver the stock authorized by the order in Decision No. 9683, dated October 31, 1921, as amended, be and it is hereby extended to and including June 30, 1926, and that said order be and it is hereby further modified so as to permit Sonoma City Water Works and Sonoma Vista Water Company to sell their properties, to which reference is made in the opinion preceding this order, to Sonoma Water and Irrigation Company, which company is

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hereby authorized to purchase said properties and the O'Brien Ranch and pay therefor the sums indicated in said opinion when authorized by a supplemental order or orders of this Commission, provided that the authority herein granted to purchase the O'Brien Ranch will not become effective until the Commission by a supplemental order or orders has authorized Sonoma Water and Irrigation Company to execute a mortgage to secure the payment of the $30,000 to which reference is made in said opinion, nor until Sonoma Water and Irrigation Company has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $30.

It is hereby further ordered, that the order in Decision No. 9683, dated October 31, 1921, as amended, shall remain in full force and effect except as modified by this sixth supplemental order.

Dated at San Francisco, California, this twelfth day of September, 1925.

Decision No. 15394.

IN THE MATTER OF THE APPLICATION OF FEATHER RIVER POWER COMPANY, A CORPORATION, ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF CALIFORNIA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE TO DEVELOP AND GENERATE HYDRO-ELECTRIC ENERGY AT PROPOSED BUCK'S CREEK POWER HOUSE, SITUATED IN PLUMAS COUNTY, STATE OF CALIFORNIA, TO SELL, TRANSMIT AND DISTRIBUTE THE SAME; AND FOR AN ORDER AUTHORIZING THE SALE BY SAID FEATHER RIVER POWER COMPANY OF ITS ELECTRIC PLANT WHEN COMPLETED TO THE GREAT WESTERN POWER COMPANY OF CALIFORNIA; AND FOR AN ORDER APPROVING THE CONTRACT BETWEEN THE SAID FEATHER RIVER POWER COMPANY AND ROBERT C. STORRIE, ROBERT B. MUIR AND R. C. STORRIE AND COMPANY, AS CONTRACTORS, AND FIRST SECURITIES COMPANY, FOR THE CONSTRUCTION OF SAID PROJECT; AND FOR AN ORDER PERMITTING SAID FEATHER RIVER POWER COMPANY TO ISSUE ITS BONDS IN THE AGGREGATE PAR VALUE OF FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS AND TO ISSUE TO SAID ROBERT C. STORRIE, ROBERT B. MUIR AND SAID R. C. STORRIE AND COMPANY ITS CLASS "A" PREFERRED CAPITAL STOCK OF THE PAR VALUE OF ONE MILLION DOLLARS AND ITS CLASS "B" PREFERRED STOCK IN THE AGGREGATE PAR VALUE OF TWO MILLION DOLLARS, AND TO ISSUE ALSO ITS COMMON STOCK IN ACCORDANCE WITH THE TERMS OF THE SAID CONTRACT FOR THE CONSTRUCTION OF SAID PROJECT.

Application No. 11414.

Decided September 15, 1925.

CERTIFICATE—ELECTRIC UTILITY—STOCK AND BONDS—TO ISSUE.—Certificate granted to Feather River Power Company to develop Buck's Creek project. Authority granted to issue and sell $5,250,000 of first mortgage bonds and $2,350,000 of stock, at not less than 90 per cent of face value.

Gibson, Dunn and Crutcher, by *Norman S. Sterry* and *Homer D. Crotty*, and *Erb and Bryan*, for Feather River Power Company.
Chaffee E. Hall, for Great Western Power Company of California.

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SEAVEY, *Commissioner.*

OPINION.

The Railroad Commission is asked to declare that public convenience and necessity require and will require Feather River Power Company to construct, maintain and operate the hydro-electric power plant and appurtenances to which reference is made in this application and decision. The Commission is also asked to make an order approving a power sale contract, a construction contract, authorizing the issue of $3,041,889 par value of stock and $5,500,000 face value of first mortgage 6 per cent serial gold bonds and the execution of a mortgage or deed of trust to secure the payment of such bonds, and the sale of the electric plant of Feather River Power Company, when completed, to Great Western Power Company of California. Great Western Power Company of California asked and was granted permission to be a party to this application in so far as the contract between it and Feather River Power Company is concerned.

Feather River Power Company is a corporation recently organized and existing under and by virtue of the laws of the State of California. It has an authorized stock issue of 40,000 shares divided as follows: 10,000 shares Class "A" 7 per cent cumulative preferred stock; 20,000 shares Class "B" 7 per cent cumulative preferred stock; 10,000 shares of common stock; each share of all classes being $100 per share.

Feather River Power Company asks permission to construct, maintain and operate a hydro-electric power plant and appurtenances. The power house is to be located on the North Fork of the Feather River, a short distance below the mouth of Buck's Creek. Two generating units of 20,000 kilowatts are to be installed. Water to operate these units is to be obtained from the drainage area of Buck's Creek, Grizzly Creek and Milk Ranch Creek. It is proposed to create a storage reservoir of 103,000 acre-feet in Buck's Valley, by constructing a storage dam about 113 feet high at an elevation of 5143 feet. There is to be constructed in Buck's Creek at an elevation of 4970 feet a diversion dam, diverting the waters through a tunnel about 6200 feet long 6.3′ x 8.0′ to Grizzly Creek. At the end of the tunnel there is to be constructed a 5000 acre-foot storage reservoir. From Grizzly Creek the waters will be taken through a tunnel 9670 feet long 8′ x 8′ to the penstocks. The penstocks from the end of the tunnel to the power house will be about 4700 feet long. The two generating units will be operated under a head of 2550 feet. A diversion conduit is to be constructed to carry the waters from Milk Ranch Creek to the diversion reservoir on Buck's Creek, such conduit to have a capacity of 75 second-feet. It is estimated by applicant

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that the power plant will produce 205,000,000 kilowatt hours of electrical energy annually.

R. C. Storrie and Company have agreed to construct the power plant, dam and all appurtenances and to acquire the rights and lands necessary for such construction at a cost of $7,691,889, payable part in cash and part in stock, as will appear hereafter. Applicant, in its Exhibit G-3, estimates the actual cost of its Buck's Creek project at $6,554,000. R. B. Muir of R. C. Storrie and Company testified that he calculated their actual cash expenditure at something over $6,000,000. In reply to questions of his counsel, he stated that the $6,000,000 did not include interest during construction, legal cost and organization expenses. He, however, offered no figures showing how much additional would have to be expended for such purposes. It is not incumbent upon the Commission to supply this missing data.

The company has entered into a contract with the Great Western Power Company of California whereby the Feather River Power Company agrees to sell and the Great Western Power Company of California agrees to buy the plant about to be constructed and known as Buck's Creek project. Under the terms of the contract, payment for the property is to extend over a period of thirty-five years, during which time the Great Western Power Company of California agrees to purchase the whole of the electric energy produced at the plant and to pay for such energy at the rate of four mills per kilowatt hour. The price of four mills per kilowatt hour which the Great Western Power Company of California is to pay includes both the cost of the energy furnished and payments on account of the purchase price of the property. No division is made in the contract showing how much of the four mills represents the cost of the energy and how much represents payments on account of the purchase of the property. Upon the termination of the contract the power plant and all appurtenances will become the properties of the Great Western Power Company of California regardless as to how much stock or bonds may at that time be outstanding. It should be noted in this connection that the present stockholders of the Feather River Power Company and not those who may hereafter purchase stock of that company have agreed to sell the plant for the price mentioned, and that purchasers of stock of the company will be bound by the agreement.

The Feather River Power Company asks permission to issue $1,000,000 of its Class "A" 7 per cent cumulative preferred stock, $2,000,000 of its Class "B" 7 per cent cumulative preferred stock, $41,889 of common stock and $5,500,000 of first mortgage 6 per cent serial gold bonds. The construction contract between the Feather

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River Power Company and R. C. Storrie and Company provides that before the contractors shall receive any money they shall expend on the project $1,450,000 for the following purposes:

To acquire 3000 acres of meadow land and improvements	$350,000 00
Rights of way for main line spur and diversion canals	50,000 00
Construction of 2¼ miles main line spur extending from Western Pacific at Tobin to power house	175,000 00
Tramway including all equipment and clearing of penstock site (length of tramway 5500')	105,000 00
Tunnel plant complete including all compressors, hoisting machinery, ventilating system, water supply, excavating machinery, lighting system, etc.	300,000 00
Camp buildings and housing facilities and equipment for the care of 400 men	50,000 00
Operators' cottages, sanitation, fire protection, warehouses, water and light system at plant	120,000 00
All necessary roads to main damsite from Quincy, totaling ten miles	50,000 00
Cement credit for all cement necessary amounting to 60,000 barrels at $2.18 per bbl. f. o. b. plant	130,800 00
Explosive credits	120,000 00
Total	$1,450,000 00

For the $1,450,000 they shall receive $1,450,000 of Class "B" stock at par. W. A. Brackenridge in his report (applicant's Exhibit G-2) estimates the cash value of the above expenditures at $1,000,000. There was no evidence submitted to show that Mr. Brackenridge's figures are in error. Of the remainder of the contract price, namely $6,241,889, 75 per cent shall be paid in cash obtained from the sale of bonds, 25 per cent in Class "A" and "B" stock to be accepted by the contractor at par and common stock to be accepted by the contractor at 25 per cent of its par value. On the basis of the contract price, $7,691,889, applicant would issue $5,500,000 of bonds, $1,000,000 of Class "A," $2,000,000 of Class "B" and $41,889—say $42,000—of common stock, making a total stock and bonds of $8,542,000.

The company asks permission to sell the bonds at 90 per cent of their par value. The underwriter has agreed to purchase from R. C. Storrie and Company the Class "A" stock at 82. On this basis, $5,770,000 of cash will be made available to R. C. Storrie and Company through the issue of Class "A" stock and bonds of Feather River Power Company. Whatever additional cash is needed to pay for the project will have to be advanced by R. C. Storrie and Company or obtained by them from the sale of Class "B" stock or common stock. As stated, R. B. Muir testified that he calculated the actual cost of the plant to be somewhat in excess of $6,000,000. Comment has already been made on the fact that he did not submit any definite figures showing the amount of interest during construction or legal or organization expenses. The Feather River Power Company estimates the cost of the power plant and appurtenances, exclusive of land, at $6,429,760. The evidence on land value is so incomplete that little

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weight can be attached thereto. On the basis of the contract price the stocks and bonds which applicant asks permission to issue would be issued at an average price of 90. If the Brackenridge figures as to the cost of the plant are accepted, they would be issued on a basis of 77, while if the plant were to cost in the neighborhood of $6,000,000 they would be issued on an average basis of 70. There is nothing in the record to show that the acquisition or construction of the properties will actually amount to the contract price of $7,691,889, yet the Commission is asked to approve a contract and thereby recognize that figure as the cost of the project. The contract has not been awarded under competitive bidding. The record shows that the contractor has an interest in this project other than constructing the same. While the extent of such interest is not disclosed, the contract does have the earmarks of an old time practice which has repeatedly come into disfavor. We will not approve the construction contract, but indicate the amount of stock and bonds which the Feather River Power Company may be permitted to issue to finance the acquisition and construction of the hydro-electric power project referred to herein.

The testimony of several of applicant's witnesses is to the effect that the earnings of the property should be sufficient to retire within a period of thirty-five years all of the bonds now sought to be issued, all of Class "A" stock and all of Class "B" stock, together with interest and dividends on such bonds and stock. Emphasis was also placed upon the fact that a faithful performance bond of $3,000,000 and a mechanics lien bond of $3,850,000 have been entered into and that the construction of the project is assured.

The deed of trust which applicant asks permission to execute provides, among other things, that so long as any bonds are outstanding, all money received by the company under its contract with the Great Western Power Company of California shall be paid to the trustee, Pacific Southwest Trust and Savings Bank, and shall be expended for the following purposes and in the following manner:

First—To the payment of all taxes, as hereinafter defined.

Second—To the payment of all operating expenses, as hereinafter defined.

Third—To the payment of all installments of principal and interest upon the bonds issued hereunder and secured hereby, as they severally mature.

Fourth—To the repayment to the trustee and/or the underwriter of any and all moneys at any time advanced by the said trustee and/or the underwriter for the payment of any tax as hereinafter defined, and/or operating expense, as hereinafter defined, and/or installment or installments of interest and/or principal of the bonds issued hereunder, and/or for the completion and/or the repair of the said project (other than moneys which have been paid by the underwriter to the trustee in purchase of the said bonds issued hereunder and secured hereby and/or to the constructors in payment of the Class "A" preferred stock, as provided for in said construction contract), together with interest on each such advance at the rate of seven per cent per annum from the time of each advance until the repayment thereof. (It being understood and agreed if at any time it becomes apparent to the trustee and/or the underwriter that the said trustee probably will not be able

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to pay from the funds of the River Company, any tax, operating expense and/or installment of principal and/or interest on the bonds secured hereby when such tax becomes delinquent, or such operating expense becomes due or such installment of principal and/or interest on bonds issued hereunder matures, then the said trustee and/or the underwriter, without being obligated so to do, may, before default of the River Company occurs because of or on account of the inability of the trustee to pay such tax, operating expense and/or installment of principal and/or interest on such bonds, advance sufficient moneys to pay such tax, operating expense and/or installment of principal and/or interest on bonds issued hereunder; or the said underwriter, and trustee, may wait until such default has occurred and then without affecting the rights of the parties hereunder because of and on account of such default, pay the said tax, operating expense and/or installment of principal and/or interest on the bonds hereunder.)

Fifth—To the payment for and on behalf of the River Company of dividends upon and retirement of the Class "A" preferred stock, as hereinafter provided.

Sixth—To the creation and maintenance of a reserve fund in the sum of five hundred thousand dollars ($500,000.00) as hereinafter provided.

Seventh—The surplus, if any, to the River Company or its order.

The record in this proceeding does not warrant the issue of $8,542,000 of bonds and stock. It is my opinion that the Feather River Power Company should be authorized to issue not exceeding $5,250,000 of bonds and not exceeding $2,350,000 of stock, both bonds and stock to be sold at not less than 90 per cent of their par value. In my opinion the management of the company should be permitted to determine the amount of each class of stock to be issued, the aggregate of such issue not to exceed $2,350,000 and none to be issued at less than 90 per cent of its par value.

I herewith submit the following form of order:

ORDER.

Feather River Power Company, having applied to the Railroad Commission for permission to construct, operate and maintain a hydro-electric power project referred to in this application and in the foregoing opinion, and having asked the Commission for permission to enter into a construction contract, a power sale contract and the issue of $5,500,000 of bonds and $3,042,000 of stock and the execution of a deed of trust, a public hearing having been held and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of $5,250,000 of bonds and $2,350,000 of stock is reasonably required by applicant, and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and that public convenience and necessity require Feather River Power Company to construct, operate and maintain the hydro-electric power plant referred to in this proceeding:

The Railroad Commission hereby declares that public convenience and necessity require and will require the Feather River Power Company to construct, operate and maintain the hydro-electric power project referred to in this proceeding.

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It is hereby ordered, that Feather River Power Company be and it is hereby authorized to issue and sell at not less than 90 per cent of their face value and accrued interest $5,250,000 of its first mortgage 6 per cent serial gold bonds and $2,350,000 of its stock divided into such classes as applicant may determine, such stock to be sold for not less than 90 per cent of its par value and use the proceeds obtained from the sale of the bonds and stock to pay the cost of constructing the hydro-electric power project referred to in this proceeding, said bonds and stock to be issued and sold on or before December 31, 1926.

It is hereby further ordered, that Feather River Power Company shall amend its stock certificates so that they will show that the Buck's Creek project described in Application No. 11414 filed with the Railroad Commission, under and by virtue of the contract for the sale of power dated June 24, 1925, amended July 17, 1925 (Exhibits "D-1" and "D-2"), will upon the termination of said contract become the property of Great Western Power Company of California, regardless of the amount of stock then outstanding.

It is hereby further ordered, that Feather River Power Company be and it is hereby authorized to execute a mortgage or deed of trust substantially the same as the mortgage or deed of trust filed in this proceeding, provided that the authority herein granted to execute such mortgage or deed of trust is for the purpose of this proceeding only and is granted only in so far as the Railroad Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of such mortgage or deed of trust as to such other legal requirements to which said mortgage or deed of trust may be subject, provided further that the provisions of said mortgage or deed of trust be modified so as not to be inconsistent with any provisions of this order.

It is hereby further ordered, that Feather River Power Company and Great Western Power Company of California be and they are hereby authorized to execute an agreement (contract for sale of property and power) substantially in the same form as the agreement filed in this proceeding and marked "Exhibit D-1" and "Exhibit D-2."

It is hereby further ordered, that Feather River Power Company shall keep a true and accurate record of the moneys actually expended in acquiring and constructing the properties necessary to complete the hydro-electric power project referred to in this proceeding and shall, as a condition precedent to the exercise of any authority herein granted, file with the Railroad Commission a duly and legally executed stipulation agreeing to keep such records and file with the Commission a statement showing the actual amount of money (as distinguished from the amount of stock and bonds issued) expended to acquire and con-

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struct said project, said amount to be segregated and charged to fixed capital accounts now prescribed by the Railroad Commission.

It is hereby further ordered, that the authority herein granted to issue bonds will become effective when Feather River Power Company has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $3,125.

It is hereby further ordered, that Feather River Power Company shall file three copies of its mortgage or deed of trust and three copies of each class of its stock certificates, said documents to be filed as soon as available for distribution.

It is hereby further ordered, that Feather River Power Company shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the above entitled application, in so far as it relates to the issue of $250,000 face value of bonds and $691,889 par value of stock, be dismissed without prejudice.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this fifteenth day of September, 1925.

DECISION NO. 15396.

IN THE MATTER OF THE APPLICATION OF I. L. MITCHELL FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Application No. 11269.

Decided September 16, 1925.

CERTIFICATE—WATER UTILITY.—Application granted.

Webster and Lyon, by *Ray B. Lyon*, for Applicant.

BY THE COMMISSION.

OPINION.

In this proceeding I. L. Mitchell asks the Commission for a certificate of public convenience and necessity to operate a public utility water system and serve water to certain lots in Mitchell's Subdivision No. 1 at Eaglet Heights, near Atascadero, San Luis Obispo County.

A public hearing in this matter was held before Examiner Williams after due notice thereof had been given to all interested parties that they might appear and be heard.

At the hearing the application was amended to include water service to all the lots in the subdivision as shown by map filed by applicant

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and marked "Exhibit No. 2." The Commission was also asked to authorize and establish a reasonable rate to be charged for the water delivered to the consumers.

The testimony shows that the area to be served consists of 64 lots of a subdivision in what is known as the town of Eaglet Heights, which is located along the county road south of Atascadero. It was also shown that applicant has installed a 10-inch well 90 feet deep, a pressure tank and an automatically controlled pump, and about 2000 feet of mains, varying from 1¼ inches to 3 inches in diameter. Applicant also testified that it is proposed to install another well and additional mains when the service demands it. There are six consumers being served at present.

No other public utility supplies water in this area, and no one appeared to protest the granting of this application. It is apparent that the application should be granted and rates authorized.

The rates established in the following order are comparable to the rates charged by similar utilities rendering similar service.

ORDER.

I. L. Mitchell having made application to the Railroad Commission as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed in the matter:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require that I. L. Mitchell operate a water system to supply water for domestic purposes to the subdivided lots in Eaglet No. 1, Mitchell's Resubdivision No. 1, in the townsite of Eaglet Heights, San Luis Obispo County.

It is hereby ordered, that I. L. Mitchell be and he is authorized to file with this Commission within twenty (20) days from the date of this order the following schedule of rates to be charged for water delivered to consumers subsequent to the thirtieth day of September, 1925:

Monthly Flat Rates.

Residences	$1 50
Stores	1 50
Hotels, garages, etc., according to the use of water	$1 50 to 5 00

Monthly Minimum: *Meter Rates.*

⅝-inch meter	$1 50
¾-inch meter	2 00
1-inch meter	2 50

Monthly Meter Rates:

From 0 to 2000 cubic feet, per 100 cubic feet	25
From 2000 to 10,000 cubic feet, per 100 cubic feet	20
Over 10,000 cubic feet, per 100 cubic feet	15

Each of the foregoing minimum monthly charges will entitle the consumer to the quantity of water which that minimum monthly charge will purchase at the monthly meter rates.

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It is hereby further ordered, that I. L. Mitchell shall file with the Railroad Commission within thirty (30) days from the date of this order, rules and regulations governing relations with his consumers, said rules and regulations to become effective upon their acceptance for filing by the Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this sixteenth day of September, 1925.

DECISION No. 15410.

IN THE MATTER OF THE APPLICATION OF SACRAMENTO NORTHERN RAILROAD, A CORPORATION, AND SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA, (1) AUTHORIZING SAID SACRAMENTO NORTHERN RAILROAD TO SELL AN UNDIVIDED ONE-THIRD (1/3) INTEREST IN ITS UNION RAILROAD PASSENGER STATION IN THE CITY OF SACRAMENTO TO SAID SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY, (2) AUTHORIZING SAID SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY TO EXECUTE AND DELIVER TO SACRAMENTO NORTHERN RAILROAD TWO PROMISSORY NOTES FOR A PORTION OF THE PURCHASE PRICE OF SAID UNION RAILROAD PASSENGER STATION, AND TO SECURE THE SAME BY A PURCHASE MONEY MORTGAGE ON ITS ONE-THIRD (1/3) INTEREST IN SUCH UNION RAILROAD PASSENGER STATION TO SACRAMENTO NORTHERN RAILROAD, AND TO ASSUME LIABILITY WITH RESPECT TO CERTAIN SECURITIES, AND (3) AUTHORIZING SACRAMENTO NORTHERN RAILROAD TO PERMIT SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY TO USE JOINTLY WITH IT CERTAIN OF ITS TRACKS IN THE CITY OF SACRAMENTO.

Application No. 11636.

Decided September 18, 1925.

TRANSFER—ELECTRIC RAILWAY—NOTES—TO ISSUE.—Sacramento Northern Railroad authorized to exercise franchise rights to construct a union electric railroad terminal in Sacramento, and to transfer an undivided one-third interest in such station to San Francisco-Sacramento Railroad Company, and the latter is authorized to issue notes in payment therefor.

F. M. Angellotti, for Sacramento Northern Railroad.
Jesse H. Steinhart and *J. J. Goldberg*, for San Francisco-Sacramento Railroad Company.

BY THE COMMISSION.

OPINION.

In this application, as amended, at the hearing had before Examiner Fankhauser, the Railroad Commission is asked to authorize the Sacramento Northern Railroad to exercise the rights and privileges granted by Ordinance No. 140, fourth series, of the city of Sacramento. The Railroad Commission is further asked to make an order authorizing the Sacramento Northern Railroad to transfer to the San Francisco-Sacramento Railroad Company an undivided one-third (1/3) interest

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in its union railroad passenger station, tracks, overhead and appurtenances in the city of Sacramento, referred to in this proceeding; to authorize the Sacramento Northern Railroad and San Francisco-Sacramento Railroad Company to jointly use the portions of the tracks of Sacramento Northern Railroad on M, Eighth and I streets in the city of Sacramento, referred to in that certain agreement dated December 26, 1924, and filed as applicants' Exhibit "A" in this proceeding; to authorize the Sacramento Northern Railroad and San Francisco-Sacramento Railroad Company to assume the payment of $90,000 representing the balance due on the land purchased on which to construct said union railroad passenger station; to authorize the San Francisco-Sacramento Railroad Company to issue notes to pay in part for the undivided one-third (1/3) interest in said union railroad passenger station, tracks, overhead and appurtenances and execute a purchase money mortgage (Exhibit No. 2) to secure the payment of such notes; and to authorize Sacramento Northern Railroad and San Francisco-Sacramento Railroad Company to carry out and execute the provisions of the agreement filed in this proceeding and marked applicants' Exhibit "A."

On May 19, 1923, the Sacramento Chamber of Commerce filed a complaint (Case No. 1912) against Sacramento Northern Railroad, Central California Traction Company and San Francisco-Sacramento Railroad Company in which the complainant asked the Railroad Commission to make an order directing, among other things, that the defendants be required to establish in the city of Sacramento a union railroad passenger station. Following the filing of the complaint conferences were held with the result that the defendant companies entered into an agreement to construct a union railroad passenger station. Thereafter Case No. 1912 was dismissed upon the request of the complainant. The testimony shows that the Sacramento Northern Railroad purchased the land necessary to construct the station, and constructed the station, tracks, overhead and appurtenances, with the understanding that it would transfer at cost an undivided one-third (1/3) interest to the San Francisco-Sacramento Railroad Company.

The station is ready for occupancy. The Sacramento Northern Railroad now asks permission to transfer an undivided one-third (1/3) interest in the station, tracks, overhead and appurtenances to the San Francisco-Sacramento Railroad Company at cost to the Sacramento Northern Railroad. The cost of the land is reported at $96,000. The expenditures on the building to date have amounted to $82,500 and on the tracks, overhead structures and appurtenances, $97,000. It is of record that additional expenditures aggregating not over $5,000 may have to be incurred to complete the building, tracks, overhead and

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appurtenances. The San Francisco-Sacramento Railroad Company asks permission to acquire an undivided one-third (1/3) interest in the said station properties and issue in part payment therefor its notes. Until the cost is accurately determined, the parties are not in a position to advise the Railroad Commission of the amount of notes to be issued by the San Francisco-Sacramento Railroad Company.

In order that applicants may forthwith operate their trains in and out of said union railroad passenger station the Railroad Commission believes that it should at this time enter its order authorizing applicants to carry out and execute the agreement entered into between them in so far as such agreement relates to the joint operation or use of said union railroad passenger station and tracks, referred to in applicants' Exhibit "A," and authorize Sacramento Northern Railroad to exercise the rights and privileges granted by Ordinance No. 140, fourth series, of the city of Sacramento. An order to that effect will now be made. When applicants have advised the Commission in writing of the exact cost of the union railroad passenger station, tracks, overhead structures and appurtenances, and the face value and date of the notes which San Francisco-Sacramento Railroad Company intends to issue, the Commission will consider the entry of a further order in this proceeding.

ORDER.

The Railroad Commission having been asked to make an order as indicated in the opinion which precedes this order, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the Sacramento Northern Railroad should be permitted to exercise the rights and privileges granted by Ordinance No. 140, fourth series, of the city of Sacramento, and that applicants should at this time be permitted to carry out the agreement (Exhibit "A") filed in this proceeding in so far as it relates to the joint operation and use of the union railroad passenger station and tracks, overhead structures and appurtenances referred to in said agreement; therefore,

The Railroad Commission of the State of California hereby declares that present and future public convenience and necessity require, and will require, the Sacramento Northern Railroad to exercise the rights and privileges granted to it by Ordinance No. 140, fourth series, of the city of Sacramento, filed as Exhibit "B" in Application No. 11438.

It is hereby ordered, that the Sacramento Northern Railroad and San Francisco-Sacramento Railroad Company be and they are hereby

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authorized to carry out the terms and provisions of the agreement filed in this proceeding and marked Exhibit "A" in so far as the terms and provisions of said agreement relate to the joint operation and use of the union passenger railroad station, tracks, overhead structures and appurtenances referred to in said agreement.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof, and that the requests of applicants are granted at this time only to the extent as it affirmatively appears in this order.

Dated at San Francisco, California, this eighteenth day of September, 1925.

DECISION No. 15417.

IN THE MATTER OF THE APPLICATION OF HAPPY VALLEY WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF STOCKS AND STOCK CERTIFICATES.

Application No. 11646.

Decided September 19, 1925.

CERTIFICATE—SECURITIES—STOCK—TO ISSUE.—Happy Valley Water Company granted a certificate to operate the water system heretofore operated by Happy Valley Irrigation District, and authorized to issue $765,000 of its Class "A" stock, and $310,200 of its Class "B" stock.

J. H. Brown, for Applicant.

BY THE COMMISSION.

OPINION.

In this application, as amended at the public hearing held before Examiner Fankhauser, the Railroad Commission is asked to make an order declaring that public convenience and necessity require the operation by Happy Valley Water Company of the water properties formerly owned and operated by Happy Valley Irrigation District, and authorizing the issue by Happy Valley Water Company of $1,120,000 of its capital stock to finance the cost of such properties.

This application was filed in connection with a program now being followed to reorganize the affairs of Happy Valley Irrigation District. The district, since 1917, has been engaged in operating a water system for the distribution of water, primarily for irrigation purposes, to residents within the district, which is known as Happy Valley, Shasta County, and to a few users outside the district in the vicinity of Igo and Ono, also in Shasta County. There is contained in the application

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a description of the properties and an estimate of their value, the estimate being as follows:

Item	Commission's engineering department value, 1915	Additions	Total
Main value	$118,331 00	$30,348 86	$148,679 86
Reservoir sites	----------	7,059 15	7,059 15
Right of way	1,488 00	612 55	2,100 55
Messelbeck reservoir	----------	339,473 72	339,473 72
Hoover tunnel	----------	239,061 03	239,061 03
Diversion dam	----------	9,104 51	9,104 51
Road	----------	13,625 87	13,625 87
District reservoir	11,011 00	----------	11,011 00
Ditches and structures	10,519 00	8,641 03	19,160 63
Totals	$141,349 00	$697,926 72	$789,275 72
Water rights			250,000 00
Total			$1,039,275 72

The item of $141,349 is an estimate of the reproduction cost, less depreciation, and was made by the Commission's engineering department in 1915. The $697,926.72 represents the cost, undepreciated, of additions and extensions made since the date of the Commission's appraisal. The item of $250,000 for water rights, according to testimony herein, is an arbitrary figure adopted by applicant as representing the value of such rights.

It appears that the water system, prior to its acquisition by the district, was owned and operated by Happy Valley Land and Water Company, a public utility corporation which was organized during 1907. The district purchased the properties pursuant to authority granted by the Commission by Decision No. 4771, dated October 20, 1917, and thereafter made numerous extensions and additions, issuing, to finance the cost of such acquisition and construction, $740,000 of bonds. These bonds consist of $615,000 of first issue 6 per cent bonds, dated July 1, 1918, and maturing serially on the first day of July of each of the years 1939 to 1958, inclusive, and $125,000 of second issue 6 per cent bonds, dated July 1, 1921, and maturing serially on the first day of July of each of the years 1927 to 1942, inclusive.

It is reported that the Happy Valley Irrigation District comprises some 18,000 acres of land, of which approximately 2000 acres are now under cultivation. The lands are divided into first-grade lands, comprising all level irrigable lands, second-grade lands, comprising all sidehill irrigable lands, and third-grade lands, comprising all other lands, the first and second-grade lands aggregating about 13,100 acres. It appears that the district has experienced some difficulty in collecting the assessments it has levied on the owners of the land and that as a result it has been unable to pay the interest on outstanding bonds and meet some other financial obligations. The application indicates that

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at the beginning of 1924 there were in excess of 13,000 acres of land the assessments on which had not been paid.

The bondholders, in order to protect themselves and to realize on their bonds, if possible, on September 4, 1924, appointed a reorganization committee to devise a plan to refinance the properties of the irrigation district. On November 14, 1924, the committee adopted a plan of reorganization which subsequently, on February 28, 1925, was approved by the district and on June 27, 1925, by the superior court in and for the county of Shasta. The Commission is asked to authorize the issue of stock to carry the plan into effect.

The properties of the district included, in addition to the water system, the 13,000 acres, approximately, which had been acquired through foreclosure proceedings on account of nonpayment of assessments. Its indebtedness, as shown in the decree and order of the court, dated June 27, 1925, consisted of the following:

Bonds:		
First issue, 6's	$615,000 00	
Second issue, 6's	125,000 00	
		$740,000 00
Interest coupons on bonds:		
Face amount	$90,325 50	
Interest thereon at 7%	11,839 69	
		102,165 19
Warrants:		
Face amount	$22,576 67	
Interest thereon at 7%	2,381 40	
		24,958 07
Total		$867,123 26

The reorganization plan, as adopted and approved, contemplates the dissolution of the district, the creation of two new corporations, one a land company and the other a public utility water company, and the creation of a lien, in favor of the water company, of $60 an acre on each of the 13,100 acres of first and second-grade lands, such lien to be paid in annual installments of $2 an acre with no interest.

Accordingly, on or about May 5, 1925, there were organized the Olinda Irrigated Lands Company and the Happy Valley Water Company.

Happy Valley Water Company has an authorized capital stock of $1,120,000, divided into $795,000 of Class "A" stock and $325,000 of Class "B" stock. The company has acquired the water properties of the irrigation district, subject to the outstanding $740,000 of bonds, and now proposes, if permitted by the Commission, to liquidate the bonded debt through the issue of $740,000 of its Class "A" stock in exchange for such bonds on the basis of par for par.

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Applicant asks permission to issue $55,000 of its Class "A" stock to J. H. Brown and John J. McCrory for services rendered in organizing and promoting applicant corporation and Olinda Irrigated Lands Company and for services to be hereafter rendered. Stock in the amount of $25,000 is to be issued to them forthwith and $30,000 in annual amounts of $6,000 each to compensate them for services to be rendered to the two corporations. It occurs to us that the services hereafter rendered by J. H. Brown and John J. McCrory to the two corporations should be compensated, if they desire compensation, through charges to operating expenses and not through the issue of stock. We will not permit the issue of the $30,000 of stock. The expenses of the land company should not be charged to the water company. The order herein will permit the issue of $765,000 of Class "A" stock.

The company also asks permission to issue all of the $325,000 of Class "B" stock. As stated above a lien of $60 an acre, in favor of the water company, has been created on the 13,100 acres, approximately, of the first and second-grade lands, the total lien thus aggregating about $786,000. As payments are made on this account to the water company they will be used to retire the $765,000 of Class "A" stock, or such portion as might be issued, at 93 per cent of par value, a maximum sum of $711,450 being needed for this purpose. There will be issued to the Class "A" stockholders, Class "B" stock at the rate of one share of Class "B" stock for every five shares of Class "A" stock, an issue of $153,000 of Class "B" stock being needed for this purpose. Further, when the landowners have completed the payment of the liens, there will be issued to them $157,200 of Class "B" stock, an amount equal to one-fifth of the total sum paid in by them. We believe that the request to issue $14,800 Class "B" stock should be dismissed without prejudice.

At the conclusion of the program then the water company will have outstanding against the properties only the $316,200 of Class "B" stock. On account of the wide margin between the total par value of the stock and the estimated value of the properties we do not believe that it is necessary in this proceeding to pass upon the values claimed, although it is to be understood that reference to such amounts in this decision is not to be considered as binding the Commission to recognize them in any future proceeding.

The water company will undertake to liquidate only the outstanding bonds of the irrigation district. The other indebtedness, represented by the interest coupons and the warrants, will be taken care of by the Olinda Irrigated Lands Company. The Olinda Irrigated Lands Company has an authorized capital stock of $159,000 divided into a like number of shares of the par value of $1 each, all common. The land

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company stock will be issued and distributed to the holders of the Class "A" stock of the water company on the basis of one share of land company stock for five shares of water company stock. The company has acquired the delinquent lands, referred to above, subject to the $60 an acre lien, and is undertaking to sell them in order to pay all the indebtedness of the district, excepting, of course, the $740,000 bonded debt. It is primarily a liquidating company only and upon the sale of the lands it has acquired will be dissolved.

The record shows that the holders of all but $16,500 of the bonds of the district have acquiesced in the plan of reorganization proposed and it is said that no objections have been made to the committee by the holders of the $16,500 of bonds. In some cases the committee has been unable to locate the holders of bonds, while in other instances bonds are held by estates in process of distribution. In the event there are any nonassenting bondholders, provision is made to pay their bonds as they come due with money obtained through the collection of the liens on the lands. According to the testimony herein, bondholders who have not yet deposited their bonds may do so any time prior to the completion of the reorganization program. The company has applied for permission to issue stock in amounts sufficient to provide for the exchange of all the bonds.

ORDER.

Happy Valley Water Company having applied to the Railroad Commission for a certificate of public convenience and necessity and for an order authorizing the issue of stock, a public hearing having been held and the Railroad Commission being of the opinion that the application should be granted as herein provided, and that the money, property or labor to be procured or paid for by the issue of stock herein authorized is reasonably required by applicant:

The Railroad Commission of the State of California hereby declares that present and future public convenience and necessity require and will require the operation by Happy Valley Water Company of the water system heretofore operated by Happy Valley Irrigation District for the distribution of water for irrigation and domestic purposes in Happy Valley and in and about Igo and Ono, Shasta County; and

It is hereby ordered, that a certificate of public convenience and necessity be and it hereby is granted to Happy Valley Water Company.

It is hereby further ordered, that Happy Valley Water Company be and it hereby is authorized to issue $765,000 of its Class "A" stock and $310,200 of its Class "B" stock for the purposes indicated in the foregoing opinion and in accordance with the plan of reorganization outlined in this application.

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It is hereby further ordered, that this application in so far as it involves the issue of $30,000 of Class "A" stock and $14,800 of Class "B" stock is hereby dismissed without prejudice.

It is hereby further ordered, that Happy Valley Water Company keep such record of the issue and delivery of the stock herein authorized as will enable it to file, on or before the twenty-fifth day of each month, a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted become effective upon the date hereof.

Dated at San Francisco, California, this nineteenth day of September, 1925.

DECISION NO. 15420.

IN THE MATTER OF THE APPLICATION OF THE CITY WATER COMPANY OF BANNING, CALIFORNIA, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF BONDS.

Application No. 9084.

Decided September 19, 1925.

SECURITIES—BONDS—TO ISSUE.—City Water Company of Banning authorized to execute a deed of trust and to issue and sell $35,000 of 7 per cent serial bonds at not less than face amount plus accrued interest, for the purpose of paying indebtedness.

BY THE COMMISSION.

FIRST SUPPLEMENTAL OPINION AND ORDER.

City Water Company of Banning, California, by Decision No. 12261, dated June 25, 1923, in the above entitled matter, was authorized to issue $35,000 of bonds for the purpose of paying for extensions, additions, betterments and improvements described in Exhibit "B," heretofore filed with the Commission in this proceeding, as follows:

Materials:	
5,000 feet 8" 16-g. riveted pipe @ $0 83	$4,150 00
9,352 feet 8" 14-g. riveted pipe @ 0 99	8,416 80
11,456 feet 4" 14-g. riveted pipe @ 0 57	6,529 92
20 gate valves with companion flanges, bolts and gaskets	640 00
20 fittings for intersections, etc.	400 00
42 fire hydrants, pipe and gate type	1,300 00
400 saddles and pipe for resetting house connections on the rebuilt system	1,000 00
Minor details, use of money, superintendence, engineering, overhead	4,726 60
Labor:	
13,350 feet 8" haul and lay trench and backfill	4,672 50
10,000 feet 4" haul and lay trench and backfill	2,500 00
400 house connections—labor remaking	800 00
Total	$35,195 82

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The authority granted by the Commission was subject to the condition that no bonds might be issued until applicant had paid the fee prescribed by section 57 of the Public Utilities Act, nor until the Commission, by supplemental order, had authorized it to execute a mortgage or deed of trust to secure the payment of the bonds and had defined the terms and conditions under which the bonds might be sold.

On June 29, 1923, the company paid the required fee of $35, and on August 17, 1925, it filed a copy of its proposed deed of trust.

The proposed indenture, to Title Insurance and Trust Company, trustee, secures the payment of a total authorized issue of $35,000 of bonds. The bonds are to be dated April 1, 1925, instead of October 1, 1923, as originally reported, to bear interest at 7 per cent, to be callable at 103 after five years from April 1, 1925, and to mature in installments of $2,000 on the first day of April of each of the years 1930 to 1946 inclusive, and of $1,000 on April 1, 1947, instead of maturing during the years 1928 to 1945 as originally planned.

Applicant now reports that the construction work described in Exhibit "B" has been practically completed. It asks that it be permitted to sell its bonds at par and to use the proceeds to pay indebtedness that has been incurred in paying for such work.

The Commission has examined the proposed deed of trust and has given consideration to applicant's request. It is of the opinion that the instrument is in satisfactory form and that the company's request should be granted, as provided herein, and that the money, property or labor to be procured or paid for through the sale of the bonds is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

It is therefore ordered, that City Water Company of Banning, California, be and it hereby is authorized to execute a deed of trust substantially in the same form as that filed in this proceeding on August 17, 1925.

It is further ordered, that City Water Company of Banning, California, be and it hereby is authorized to issue and sell the $35,000 of 7 per cent serial bonds, dated April 1, 1925, the payment of which is secured by such deed of trust, on or before June 30, 1926, at not less than face value plus accrued interest for the purpose of paying indebtedness incurred in financing the cost of the extensions, additions, betterments and improvements to which reference is made herein, or for such other purposes as may be hereafter authorized.

The authority herein granted is subject to the following conditions:

1. The authority herein granted to execute a deed of trust is for the purpose of this proceeding only, and is granted only in so far as this

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Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said deed of trust as to such other legal requirements to which such deed of trust may be subject.

2. Applicant shall keep such record of the issue, sale and delivery of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this nineteenth day of September, 1925.

DECISION NO. 15426.

JAMES W. FLANNERY ET AL.

vs.

GREAT WESTERN POWER COMPANY OF CALIFORNIA, A CORPORATION.

Case No. 1844.

Decided September 19, 1925.

RATES—STEAM HEATING—AUTOMATIC ADJUSTMENT.—Great Western Power Company of California directed to reduce the rates for steam heating service in proportion to reduction of fuel oil prices.

BY THE COMMISSION.

THIRD SUPPLEMENTAL ORDER.

Whereas, in Decision No. 12582 in the above entitled matter, this Commission provided that upon its approval the steam rates of Great Western Power Company be subject to increase or decrease of three (3) cents per thousand pounds of steam for each ten (10) cents per barrel increase or decrease, respectively, in the cost of oil above or below the price in effect August 1, 1923, which price was $1.10 per barrel; and

Whereas, Great Western Power Company now makes affidavit that on August 29, 1925, the price paid for oil was reduced by fifteen (15) cents per barrel, as the result of which the price paid by that company for oil will, until further change, be $1.45 per barrel, which is thirty-five (35) cents more than the basic price upon which rates were established in Decision No. 12582;

It is hereby ordered, that Great Western Power Company be and it is hereby authorized to reduce its rate for steam, designated as schedule No. S-1, for all regular meter readings taken on and after October 1,

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1925, so that said rate shall be ten (10) cents more than the basic rate established in Decision No. 12582.

It is hereby further ordered, that Great Western Power Company file with this Commission on or before September 25, 1925, a revision of its schedule to comply with this order.

Dated at San Francisco, California, this nineteenth day of September, 1925.

DECISION No. 15427.

IN THE MATTER OF THE APPLICATION OF SAN DIEGO CONSOLIDATED GAS AND ELECTRIC COMPANY FOR AN ORDER OF THE RAILROAD COMMISSION, ESTABLISHING RATES TO BE CHARGED BY IT FOR GAS AND ELECTRICITY.

Application No. 6078.

Decided September 19, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Gas rates charged by San Diego Consolidated Gas and Electric Company ordered reduced on the basis of reduction in fuel oil cost.

BY THE COMMISSION.

FIFTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 9412 (20 C. R. C. 425), in the above entitled matter, this Commission provided, with reference to the rates therein established, that upon approval of the Railroad Commission, schedule No. 1 would be subject to increase or decrease on the basis of 2.4 cents per thousand cubic feet for each ten (10) cents increase or decrease, respectively, in the price of oil above or below the price of $1.75 per barrel at San Diego; and that schedule No. 3 would be subject to decrease on the basis of three (3) cents per thousand cubic feet for each ten (10) cent decrease in the cost of oil below the price of $1.65 per barrel at San Diego; and,

Whereas, San Diego Consolidated Gas and Electric Company now makes affidavit that on August 29, 1925, the price paid for oil at San Diego was decreased twenty (20) cents per barrel to $1.25 per barrel, this being fifty (50) cents for schedule No. 1 and forty (40) cents for schedule No. 3, below the base prices on which rates were established in Decision No. 9412;

It is hereby ordered, that San Diego Consolidated Gas and Electric Company be and it is hereby authorized to decrease its rates designated as schedules No. 1 and No. 3, effective for all regular meter readings taken on and after October 1, 1925, so that schedule No. 1 shall be twelve (12) cents below the basic rate and schedule No. 3 shall be twelve (12) cents below the basic rate, as established in Decision No. 9412.

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It is hereby further ordered, that San Diego Consolidated Gas and Electric Company file with the Commission, on or before September 25, 1925, a revision of its schedules as herein authorized.

Dated at San Francisco, California, this nineteenth day of September, 1925.

DECISION NO. 15437.

IN THE MATTER OF THE APPLICATION OF CHARLES H. QUANDT FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Application No. 11339.

IN THE MATTER OF THE APPLICATION OF CHARLES H. QUANDT FOR AN ORDER PRELIMINARY TO THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Application No. 11340.

Decided September 21, 1925.

CERTIFICATE—WATER UTILITY—RATES ESTABLISHED.—Charles H. Quandt granted a certificate to operate a water utility near Redondo, Los Angeles County. Reasonable rates established therefor.

R. H. Nicholson, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled applications, Charles H. Quandt requests authority to operate a public utility water plant and distribute and sell water for domestic and irrigation purposes to consumers in certain territory near the city of Redondo, in Los Angeles County, more particularly described in the applications herein. The Commission is also requested to fix reasonable rates for the service to be rendered.

A public hearing in this matter was held in Los Angeles before Examiner Williams after all interested parties had been duly notified and given an opportunity to be present and be heard.

These two applications, filed by Charles H. Quandt, ask for authority of the Commission to operate a water system covering two contiguous tracts of land which may be served by the same system. By consent of all parties the matters were combined for hearing and decision.

The water supply for this system is obtained from two wells each 300 feet deep, one twelve inches in diameter and the other fourteen inches in diameter. Service for both domestic and irrigation purposes is to be delivered. Irrigation water is furnished through a separate pipe system, the water being pumped directly into the mains. For the domestic supply the water is elevated into storage tanks, from which it is distributed by gravity to the consumers.

The capacity of the wells appears to be adequate at this time for the needs of this territory. There is no other utility operating in this

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vicinity. Applicant has secured and filed with this Commission, Los Angeles County Ordinances No. 1180 N. S. and No. 1330 N. S., granting the necessary operating franchises to construct and maintain a water system in the territory covered by the above two applications.

The rates which were submitted by applicant appear reasonable under the conditions of operation and service and will be authorized in the following order:

ORDER.

Charles H. Quandt having made application as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed therein:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require that Charles H. Quandt operate a public utility for the purpose of supplying water for domestic and irrigation use to consumers located in that certain area near the city of Redondo, Los Angeles County, more particularly described and set forth in Ordinance No. 1180 N. S. and Ordinance No. 1330 N. S. of the board of supervisors of the county of Los Angeles.

It is hereby ordered, that Charles H. Quandt be and he is hereby directed to file with this Commission on or before twenty (20) days from the date of this order, the following schedule of rates effective for all water delivered to consumers subsequent to September 30, 1925:

Meter Rates.

Monthly Minimum Charges—	
¾-inch metered service	$1 50
1-inch metered service	2 50
1½-inch metered service	3 50
2-inch metered service	5 00

Each of the foregoing monthly minimum charges will entitle the consumer to that quantity of water which the monthly minimum charge will purchase at the following "monthly quantity rates."

Monthly Quantity Rates—	
First 500 cubic feet, per 100 cubic feet	$0 30
Next 500 cubic feet, per 100 cubic feet	25
Next 1,000 cubic feet, per 100 cubic feet	20
Next 3,000 cubic feet, per 100 cubic feet	15
All over 5,000 cubic feet per 100 cubic feet	10

Flat Rates.

Residence	per month	$1 50
Oil wells (while drilling)	per month	100 00
Oil wells (producing)	per month	10 00
Irrigation	per pump hour	2 25

It is hereby further ordered, that Charles H. Quandt be and he is hereby directed to file with this Commission within thirty (30) days from the date of this order, rules and regulations to govern relations

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with his consumers, such rules and regulations to become effective upon their acceptance by the Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this twenty-first day of September, 1925.

DECISION NO. 15439.

IN THE MATTER OF THE APPLICATION OF REDONDO HOME TELEPHONE COMPANY, A CORPORATION, FOR AUTHORITY TO ESTABLISH AND PUT IN EFFECT CERTAIN RATES FOR SERVICE.

Application No. 11661.

Decided September 21, 1925.

RATES—TELEPHONE UTILITY—LOCAL CALLS.—Redondo Home Telephone Company authorized to charge five cents for each local call from public pay stations.

RULES AND REGULATIONS.—Uniform rules and regulations governing removals and changes of equipment authorized.

BY THE COMMISSION.

ORDER.

Whereas, Redondo Home Telephone Company having filed an application with this Commission, requesting authority to file and place in effect certain rules and regulations relative to charges for moves and changes and to establish throughout the territory served by it public telephone stations as may be necessary or convenient, and a charge of five cents (5¢) for each local call made from each such public telephone station; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 8146 (18 C. R. C. 912), dated September 24, 1920, and Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations; and

Whereas, the rendering of public pay station service will be in the interest of the subscribers of the Redondo Home Telephone Company and to the public, and it appearing that applicant's request is reasonable and that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Redondo Home Telephone Company be and it is hereby authorized to file with this Commission under date as of October 1, 1925, the following rules and regulations:

1. Moves and changes.

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company, and the charges for such work will be as follows:

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A. Telephone sets.

1. Moving from one location to another	$3 00
2. Change in type or style	3 00

B. Private branch exchange and intercommunicating systems.

1. Moving from one location to another:	Same room	One room to another
(a) Intercommunicating systems, per station	$5 00	$7 50
(b) P.B.X. systems, cord and cordless, per station	3 00	3 00
(c) P.B.X. switchboards, per position—		
Cordless	5 00	10 00
30-line	5 00	10 00
80-line	7 50	15 00
160-line	10 00	25 00
320-line	17 50	40 00
Over 320-line	actual cost	

C. Other equipment and wiring.

Charges for moving or changing of equipment or wiring, other than that included under A and B above, will be an amount equal to the actual cost of labor and material involved.

D. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the telephone company and required for the proper maintenance of the equipment or service.

E. Change in class of service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478, except as modified in section 1 above, and as may be approved by this Commission.

It is hereby further ordered, that Redondo Home Telephone Company be and it is hereby authorized to establish throughout the territory served by it public telephone stations as may be necessary to render adequate service to the public, and to charge the sum of five cents (5¢) for each local call made from such public telephone stations on and after October 1, 1925, provided said rules and regulations and rate be filed with this Commission on or before October 1, 1925.

Dated at San Francisco, California, this twenty-first day of September, 1925.

DECISION No. 15440.

IN THE MATTER OF THE APPLICATION OF HUNTINGTON BEACH TELEPHONE COMPANY, A CORPORATION, FOR AUTHORITY TO PLACE IN EFFECT CERTAIN RULES AND REGULATIONS.

Application No. 11675.

Decided September 21, 1925.

RULES AND REGULATIONS—TELEPHONE UTILITY.—Huntington Beach Telephone Company authorized to place in effect uniform rules and regulations governing removals and changes of equipment.

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BY THE COMMISSION.

ORDER.

Whereas, Huntington Beach Telephone Company having filed an application with this Commission, requesting authority to file and place in effect certain rules and regulations relative to charges for moves and changes; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 8146 (18 C. R. C. 912), dated September 24, 1920, and Decision No. 13478 (24 C. R. C. 834), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations, and it appearing that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Huntington Beach Telephone Company be and it is hereby authorized to file with this Commission, effective as of October 1, 1925, the following rules and regulations, provided said rules and regulations are filed with this Commission on or before September 30, 1925.

1. Moves and changes.

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company, and the charges for such work will be as follows:

A. Telephone sets.

1. Moving from one location to another	$3 00
2. Change in type or style	3 00

B. Private branch exchange and intercommunicating systems.

1. Moving from one location to another:	Same room	One room to another
(a) Intercommunicating systems, per station	$5 00	$7 50
(b) P.B.X. systems, cord and cordless, per station	3 00	3 50
(c) P.B.X. switchboards, per position—		
Cordless	5 00	10 00
30-line	5 00	10 00
80-line	7 50	15 00
160-line	10 00	25 00
320-line	17 50	40 00
Over 320-line	actual cost	

C. Other equipment and wiring.

Charges for moving or changing of equipment or wiring, other than that included under A and B above, will be an amount equal to the actual cost of labor and material involved.

D. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the telephone company and required for the proper maintenance of the equipment or service.

E. Change in class of service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing service similar to those definitions, rules and regulations contained in this Commission's

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Decision No. 13478, except as modified in section 1 above, and as may be approved by this Commission.

Dated at San Francisco, California, this twenty-first day of September, 1925.

DECISION No. 15441.

IN THE MATTER OF THE APPLICATION OF ROSEVILLE TELEPHONE COMPANY FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA, AUTHORIZING THE FILING OF RULES AND REGULATIONS RELATING TO MOVES AND CHANGES, ALSO TO APPROVE A CHARGE FOR PUBLIC TELEPHONE SERVICE.

Application No. 11707.

Decided September 21, 1925.

RATES—RULES AND REGULATIONS—TELEPHONE UTILITY.—Roseville Telephone Company authorized to charge five cents per local call from public pay stations, and to place in effect uniform rules and regulations covering removals and changes of equipment

BY THE COMMISSION.

ORDER.

Whereas, Roseville Telephone Company having filed an application with this Commission, requesting authority to file and place in effect certain rules and regulations relative to charges for moves and changes, and to establish throughout the territory served by it public telephone stations as may be necessary, and a charge of five cents (5¢) for each local call made from each such public telephone station; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 8146 (18 C. R. C. 912), dated September 24, 1920, and Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations; and

Whereas, the rendering of public pay station service will be in the interest of the subscribers of the Roseville Telephone Company and to the public, and it appearing that applicant's request is reasonable and that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Roseville Telephone Company be and it is hereby authorized to file with this Commission, effective as of October 1, 1925, the following rules and regulations:

1. Moves and changes.

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company, and the charges for such work will be as follows:

A. Telephone sets.

1. Moving from one location to another	$3 00
2. Change in type or style	3 00

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B. Private branch exchange and intercommunicating systems.

1. Moving from one location to another:	Same room	One room to another
(a) Intercommunicating systems, per station	$5 00	$7 50
(b) P.B.X. systems, cord and cordless, per station	3 00	3 00
(c) P.B.X. switchboards, per position—		
Cordless	5 00	10 00
30-line	5 00	10 00
80-line	7 50	15 00
160-line	10 00	25 00
320-line	17 50	40 00
Over 320-line	actual cost	

C. Other equipment and wiring.

Charges for moving or changing of equipment or wiring, other than that included under A and B above, will be an amount equal to the actual cost of labor and material involved.

D. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the telephone company and required for the proper maintenance of the equipment or service.

E. Change in class of service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478, except as modified in Section 1 above, and as may be approved by this Commission.

It is hereby further ordered, that Roseville Telephone Company be and it is hereby authorized to establish throughout the territory served by it public telephone stations as may be necessary to render adequate service to the public, and to charge the sum of five cents (5¢) for each local call made from such public telephone stations on and after October 1, 1925, provided said rules and regulations and rate be filed with this Commission on or before September 30, 1925.

Dated at San Francisco, California, this twenty-first day of September, 1925.

DECISION NO. 15443.

CITY OF LONG BEACH, A MUNICIPAL CORPORATION,

vs.

CONSOLIDATED UTILITIES COMPANY, A CORPORATION, AND ASSOCIATED TELEPHONE COMPANY, A CORPORATION.

Case No. 2086.

Decided September 23, 1925.

CERTIFICATE—TELEPHONE UTILITY.—Finding that Consolidated Utilities Company is not furnishing adequate or satisfactory telephone service in Virginia City (Long Beach) and that Associated Telephone Company is in a position to

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furnish Long Beach service in Virginia City, a certificate is granted to Associated Telephone Company to operate in that territory, and that company is directed to accept applications for direct automatic Long Beach telephone service to be furnished not later than January 1, 1926.

Bruce Mason, City Attorney, and *Fred F. White*, Deputy City Attorney, for Complainant.

A. C. Cooney and *E. A. Douglas*, for Consolidated Utilities Company, one of the Defendants.

John E. Bibb and *John E. Marble*, for Associated Telephone Company, one of the Defendants.

E. Irwin, for California Independent Telephone Association.

Martin and Vallee, by *Paul Vallee*, and *C. F. Mason*, for Santa Monica Bay Telephone Company.

A. Wardman, for Downey Home Telephone Company.

BY THE COMMISSION.

OPINION.

This is a proceeding in which the city of Long Beach, complainant, brings a formal complaint against the Consolidated Utilities Company and the Associated Telephone Company, defendants, and in which the complainant asks that the Railroad Commission issue a writ of convenience and necessity, or make its order authorizing that the territory now being served by the Consolidated Utilities Company within the city of Long Beach, commonly known as "Virginia City," be severed from the district now being served by said Consolidated Utilities Company, and that the Long Beach exchange area now served by the Associated Telephone Company be extended to include said area of "Virginia City" and that the Associated Telephone Company be authorized to establish individual, party and suburban line telephone service in said territory under the rules, regulations and rates provided for such service.

A hearing in this matter was held before former Commissioner Shore in Virginia City on March 2, 1925.

The city of Long Beach in a memorandum filed in this proceeding on May 25, 1925, requested a modification in its original complaint to the effect that the area which it originally requested be severed from the territory now served by the Consolidated Utilities Company and to be served by the Associated Telephone Company, be reduced in size to include the territory outside of the present territory of the Associated Telephone Company described as follows:

Commencing at a point in the Los Angeles River where said river intersects the east bank of the Los Angeles County Flood Control Channel, and from that point in a northerly direction along the present western city limits of the city of Long Beach (which line is on the east side of said Los Angeles County Flood Control Channel) to Atlantic avenue, between the "Rancho San Pedro" and "Rancho Cerritos;" thence along the east side of the San Gabriel River to the north line of the Municipal Park; thence in an easterly direction to the east line

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of said Municipal Park; thence in a southerly direction along the east line of said Municipal Park to its intersection with the center line of Poppy street extended; thence in an easterly direction to a point 150 feet east of the intersection of the center lines of Poppy street and Cherry avenue; thence in a southerly direction parallel to and 150 feet east of the center line of Cherry avenue to the present northerly boundary line of the Associated Telephone Company's exchange area as of September 1, 1925; thence along said present northerly exchange boundary of the Associated Telephone Company to the point of beginning.

At the present time the Associated Telephone Company is serving in the city of Long Beach and adjacent territory including in general that territory east of the old Los Angeles River, south of Dominguez avenue, and west of the boundary line between Los Angeles and Orange counties. The Consolidated Utilities Company is rendering exchange telephone service in the cities of Compton, Clearwater, Gardena and adjacent territory. These three cities are served by means of one exchange area, the southerly boundary of which is along Torrance road and Dominguez street, east to the Los Angeles River; thence along a slough to its intersection with a road parallel to and located one-half (½) mile south of the southerly boundary of the La Cerritos Rancho.

The city of Long Beach, in its complaint, states that the people now residing in Virginia City desire direct Long Beach service; that the present service between Virginia City and Long Beach, by means of Compton local service, toll service, and local Long Beach service, is unsatisfactory, and that the present service now furnished by Consolidated Utilities Company is inadequate and unsatisfactory, and for these reasons it requests that this Commission require the Consolidated Utilities Company to abandon service within Virginia City and that the Associated Telephone Company be required to render local Long Beach service within that area.

The Consolidated Utilities Company states that it is in a position to render local Compton service in Virginia City, with direct toll communication through the long distance companies, to the city of Long Beach, or is willing, if the people of Virginia City desire, to establish there a separate exchange with direct toll communication with Long Beach.

At the present time, the Consolidated Utilities Company has only a few telephones in that area which the city of Long Beach requests be transferred to and served by the Associated Company. It is also claimed that the population of this district is something over 3000 people. The company stated that it has facilities at the present time to take care of some twenty-two subscribers.

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From statements made by the Consolidated Utilities Company, it appears that it has neither made proper provision for the serving of the present community of Virginia City, nor has it taken adequate steps to care for the future telephone demands of this territory.

Testimony from a number of witnesses for the city of Long Beach shows that direct Long Beach service is desired in Virginia City and that it would be their preference to subscribe to ten-party line Long Beach service, rather than to continue with the present Compton service.

A question of furnishing telephone service in Virginia City dates back to the latter part of 1923 and has been the subject of considerable informal discussion prior to the filing of the formal complaint in this proceeding. In September, 1923, the Commission received an informal complaint from an applicant in Virginia City, requesting that the Associated Telephone Company be required to furnish him direct Long Beach service. In February, 1924, a petition containing some 180 signatures was received by this Commission, requesting that direct Long Beach service be made available in Virginia City. In March, following the receipt of this petition, the Commission's engineers held a conference in Long Beach with representatives of the city of Long Beach, Chamber of Commerce of Virginia City, the Associated Telephone Company and the Consolidated Utilities Company, for the purpose of discussing informally the Virginia City situation. The various means whereby telephone service might be furnished in Virginia City were outlined and discussed and this meeting adjourned with the understanding that the people of Virginia City would advise this Commission regarding the service which they desired.

The Chamber of Commerce of Virginia City then filed with the Commission a petition containing some 160 signatures requesting that this Commission require the Consolidated Utilities Company to install a separate exchange at Virginia City. Acting upon this petition as being the express desire of the people of Virginia City, the Commission then fixed rates for service to be furnished within this exchange and directed the Consolidated Utilities Company to proceed accordingly. In August, 1924, the Commission was advised by the Chamber of Commerce of Virginia City that it had abandoned the idea of a separate exchange at Virginia City and that the people of Virginia City now desired direct Long Beach service. Following this action by the Virginia City people, the Commission advised that if it was desired that the Associated Telephone Company serve Virginia City, a formal proceeding should be filed with this Commission. In the following January, the city of Long Beach filed such a formal complaint. Prior to the hearing, on February 23, 1925, this situation was discussed in a mass meeting in Virginia

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City by the Commission's Engineers, at which time the people of Virginia City were advised regarding the various methods under which telephone service might be obtained, not only in order that they might have complete knowledge of the advantages and disadvantages of the several possible methods but also that they might appear before the Commission in this proceeding fully advised and that they might inform this body of their desires.

Although it does not appear that the furnishing of Long Beach service in Virginia City, as the city requests and as requested by the various witnesses for the city, will result in the lowest rates to the community of Virginia City, yet it is a fact that the Consolidated Utilities Company has not been furnishing adequate and satisfactory telephone service in Virginia City and further that it is not now in a position to render good telephone service in that community. Furthermore, the people of Virginia City and representatives of the city of Long Beach indicated that direct Long Beach service was the service desired and that they were willing to pay the necessary rates for such service. The Associated Telephone Company, on the other hand, states that it is willing and ready to render service in Virginia City as asked for by the city of Long Beach and by the people of Virginia City.

At the present time, there is a small section of territory located between the exchange areas of the Consolidated Utilities Company and the Associated Telephone Company which is not served by either company. It appears that if the Associated Telephone Company is to serve Virginia City proper, a portion of this isolated territory as shown in Exhibit "A" attached hereto should also be included.

It appears to this Commission that it would be in the interest of the public and the people of Virginia City that the Consolidated Utilities Company abandon all operations in Virginia City and that this territory be served by the Associated Telephone Company. It would appear advisable that the two utilities arrange for the carrying out of these suggestions. The order following will authorize the Associated Telephone Company to enter this territory in order that proper and adequate telephone service may be assured to the inhabitants of this territory.

The Associated Telephone Company furnishes in its primary rate area individual two and four-party automatic exchange service. Outside of the primary rate area, it furnishes both automatic and magneto ten-party service; the automatic service not extending beyond a radius of four miles from its telephone exchange. Beyond this circle, magneto service is furnished.

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It appears that the type of service necessary to meet the demands and needs of this territory is the automatic service now available within the city of Long Beach.

In serving this territory of Virginia City, the Associated Telephone Company should modify its present rates, rules and regulations to provide for the extension of territory within which automatic service will be furnished to include Virginia City and all other portions of its Long Beach exchange area located within the same distance from any of its central offices. The order authorizing the Associated Telephone Company to serve Virginia City will also depend upon the Associated Telephone Company stipulating that automatic service will be furnished in accordance with the above statement.

ORDER.

The City of Long Beach having filed a complaint against the Consolidated Utilities Company and the Associated Telephone Company requesting the Railroad Commission to issue a writ of convenience and necessity or make its order authorizing that the territory now being served by the Consolidated Utilities Company within the city of Long Beach commonly known as "Virginia City" be severed from the district now being served by the Consolidated Utilities Company and that the Long Beach exchange area now served by the Associated Telephone Company be extended to include said area of Virginia City and that the Associated Telephone Company be authorized to establish individual, party and suburban line telephone service in said territory under the rules, regulations and rates provided for such service; a public hearing having been held the matter having been submitted and now ready for decision:

The Railroad Commission of the State of California hereby finds as a fact that the Consolidated Utilities Company is not furnishing adequate or satisfactory telephone service in Virginia City and that the Associated Telephone Company is in a position to furnish local Long Beach service in Virginia City. The Associated Telephone Company having indicated that it is willing to serve Virginia City under such conditions as this Commission may find to be reasonable, the Railroad Commission hereby declares that public convenience and necessity require the Associated Telephone Company to render adequate telephone service in "Virginia City" and adjacent territory as shown in Exhibit "A" attached hereto; therefore,

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted to Associated Telephone

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Company authorizing it to operate and to furnish telephone service in that territory including "Virginia City" and adjacent territory shown in Exhibit "A" attached hereto; and

It is hereby further ordered, that the Associated Telephone Company shall

(1) Accept on and after October 1, 1925, applications for direct automatic Long Beach telephone service to be furnished not later than January 1, 1926, in that portion of Virginia City and adjacent territory as shown in Exhibit "A," attached hereto, under rates, rules and regulations now in effect or as herein modified.

(2) Furnish not later than January 1, 1926, direct automatic Long Beach service within that portion of Virginia City and the adjacent territory as shown in Exhibit "A," attached hereto, under rates, rules and regulations now in effect or as herein modified.

(3) Modify its rates, rules and regulations to provide for the furnishing of the so-called "automatic service" in Virginia City and all other portions of its Long Beach Exchange area located within the same distance from any of its central offices.

(4) File with this Commission on or before September 30, 1925, revised rates, rules and regulations referred to in section (3) above.

(5) File with this Commission on or before September 30, 1925, a revised map of its Long Beach exchange to include "Virginia City" and adjacent territory as shown in Exhibit "A" attached hereto.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this twenty-third day of September, 1925.

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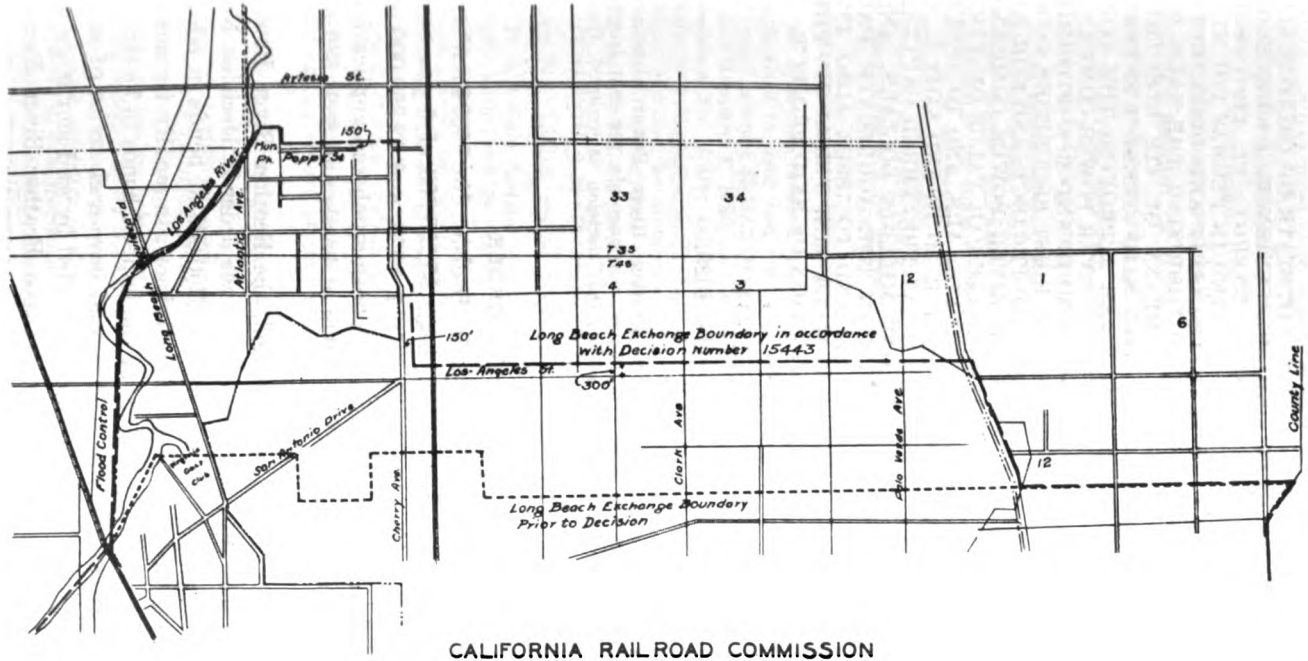
EXHIBIT "A."

MAP SHOWING ADDITION TO LONG BEACH EXCHANGE AREA.



CALIFORNIA RAILROAD COMMISSION
ADDITION TO
LONG BEACH EXCHANGE AREA
IN ACCORDANCE WITH
DECISION NO.
15443

SCALE IN MILES
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Decision No. 15465.

IN THE MATTER OF THE APPLICATION OF FEATHER RIVER POWER COMPANY, A CORPORATION, ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF CALIFORNIA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE, TO DEVELOP AND GENERATE HYDRO-ELECTRIC ENERGY AT PROPOSED BUCK'S CREEK POWER HOUSE, SITUATED IN PLUMAS COUNTY, STATE OF CALIFORNIA, TO SELL, TRANSMIT AND DISTRIBUTE THE SAME; AND FOR AN ORDER AUTHORIZING THE SALE BY SAID FEATHER RIVER POWER COMPANY OF ITS ELECTRIC PLANT, WHEN COMPLETED, TO THE SAID GREAT WESTERN POWER COMPANY; AND FOR AN ORDER APPROVING THE CONTRACT BETWEEN THE SAID FEATHER RIVER POWER COMPANY AND ROBERT C. STORRIE, ROBERT B. MUIR AND R. C. STORRIE AND COMPANY, AS CONTRACTORS, AND FIRST SECURITIES COMPANY, FOR THE CONSTRUCTION OF SAID PROJECT; AND FOR AN ORDER PERMITTING SAID FEATHER RIVER POWER COMPANY TO ISSUE ITS BONDS IN THE AGGREGATE PAR VALUE OF FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS, AND TO ISSUE TO SAID ROBERT C. STORRIE, ROBERT B. MUIR AND SAID R. C. STORRIE AND COMPANY ITS CLASS "A" PREFERRED CAPITAL STOCK OF THE PAR VALUE OF ONE MILLION DOLLARS, AND ITS CLASS "B" PREFERRED STOCK IN THE AGGREGATE PAR VALUE OF TWO MILLION DOLLARS, AND TO ISSUE ALSO ITS COMMON STOCK IN ACCORDANCE WITH THE TERMS OF THE SAID CONTRACT FOR THE CONSTRUCTION OF SAID PROJECT.

Application No. 11414.

Decided September 25, 1925.

SECURITIES—STOCKS AND BONDS—TO ISSUE.—Feather River Power Company authorized to issue $250,000 additional of first mortgage six per cent bonds, but the amount of stock authorized in original decision is reduced from $2,350,000 to $2,100,000.

BY THE COMMISSION.

FIRST SUPPLEMENTAL ORDER.

On September 15, 1925, the Commission by Decision No. 15394 authorized Feather River Power Company to issue $5,250,000 of 6 per cent first mortgage serial bonds to be dated July 1, 1925, and $2,350,000 of stock, and dismissed without prejudice the above numbered application in so far as it involves the issue of $250,000 of bonds and $691,889 of stock.

In a supplemental petition recently filed, the Feather River Power Company requests the Commission to modify the order in Decision No. 15394 so as to permit the company to issue $250,000 of bonds in addition to the $5,250,000 authorized by said decision; to modify its mortgage or deed of trust so as to provide for the issue of bonds to be dated January 1, 1926, instead of July 1, 1925, and have each series of said bonds mature six months later than now provided by said mortgage or deed of trust; to modify the contract between Feather River Power Company and Great Western Power Company of California so as to

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permit the Feather River Power Company to complete its plant on or before January 1, 1929, and extend the time within which Feather River Power Company may issue and sell the bonds and stock authorized by the Commission to July 1, 1927.

The Commission has considered the requests of the Feather River Power Company and believes that such requests should be granted, but that the amount of stock which the company should be permitted to issue be reduced from $2,350,000 to $2,100,000.

It is hereby ordered, that the provision of the order in Decision No. 15394, dated September 15, 1925, reading

It is hereby ordered, that Feather River Power Company be and it is hereby authorized to issue and sell at not less than 90 per cent of their face value and accrued interest $5,250,000 of its first mortgage 6 per cent serial gold bonds and $2,350,000 of its stock divided into such classes as applicant may determine, such stock to be sold for not less than 90 per cent of its par value and use the proceeds obtained from the sale of the bonds and stock to pay the cost of constructing the hydro-electric power project referred to in this proceeding, said bonds and stock to be issued and sold on or before December 31, 1926.

be and it is hereby amended so as to read:

It is hereby ordered, that Feather River Power Company be and it is hereby authorized to issue and sell at not less than 90 per cent of their face value and accrued interest $5,500,000 of its first mortgage 6 per cent serial gold bonds to be dated January 1, 1926, and mature six months later than the bonds authorized by Decision No. 15394; and $2,100,000 of its stock divided into such classes as applicant may determine, such stock to be sold for not less than 90 per cent of its par value, and use the proceeds obtained from the sale of the bonds and stock to pay the cost of constructing the hydro-electric power project referred to in this proceeding, said bonds and stock to be issued and sold on or before July 1, 1927.

It is hereby further ordered, that the provision of the order in Decision No. 15394, dated September 15, 1925, reading

It is hereby further ordered, that Feather River Power Company be and it is hereby authorized to execute a mortgage or deed of trust substantially the same as the mortgage or deed of trust filed in this proceeding, provided that the authority herein granted to execute such mortgage or deed of trust is for the purpose of this proceeding only and is granted only in so far as the Railroad Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of such mortgage or deed of trust as to such other legal requirements to which said mortgage or deed of trust may be subject, provided further that the provisions of said mortgage or deed of trust be modified so as not to be inconsistent with any provisions of this order.

be and it is hereby amended so as to read:

It is hereby further ordered, that Feather River Power Company be and it is hereby authorized to execute a mortgage or deed of trust substantially in the same form as the mortgage or deed of trust filed in this proceeding, provided that the authority herein granted to execute such mortgage or deed of trust is for the purpose of this proceeding only, and is granted only in so far as the Railroad Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of such mortgage or deed of trust as to such other legal requirements to which said mortgage or deed of trust may be subject, provided further that the provisions of said mortgage or deed of trust be modified so as not to be inconsistent with any provisions of Decision No. 15394, dated September 15, 1925, as amended by this first supplemental order.

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It is hereby further ordered, that the provision of the order in Decision No. 15394, dated September 15, 1925, reading

It is hereby further ordered, that Feather River Power Company and Great Western Power Company of California be and they are hereby authorized to execute an agreement (contract for sale of property and power) substantially in the same form as the agreement filed in this proceeding and marked "Exhibit D-1" and "Exhibit D-2."

be and it is hereby amended so as to read:

It is hereby further ordered, that Feather River Power Company and Great Western Power Company of California be and they are hereby authorized to execute an agreement (contract for sale of property and power) substantially in the same form as the agreement filed in this proceeding and marked "Exhibit D-1" and "Exhibit D-2" and modify said agreement so as to give the Feather River Power Company until January 1, 1929, to complete its power project referred to in said agreement.

It is hereby further ordered, that the provision of the order in Decision No. 15394, dated September 15, 1925, reading

It is hereby further ordered, that the authority herein granted to issue bonds will become effective when Feather River Power Company has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $3,125.

be and it is hereby amended so as to read:

It is hereby further ordered, that the authority herein granted to issue bonds will become effective when Feather River Power Company has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $3,250.

It is hereby further ordered, that the provision of the order in Decision No. 15394, dated September 15, 1925, reading

It is hereby further ordered, that the above entitled application, in so far as it relates to the issue of $250,000 face value of bonds and $691,889 par value of stock, be dismissed without prejudice.

be and it is hereby amended so as to read:

It is hereby further ordered, that the above entitled application, in so far as it relates to the issue of $941,889 par value of stock, be dismissed without prejudice.

It is hereby further ordered, that the order in Decision No. 15394, dated September 15, 1925, shall remain in full force and effect, except as amended and modified by this first supplemental order.

Dated at San Francisco, California, this twenty-fifth day of September, 1925.

DECISION No. 15466.

IN THE MATTER OF THE APPLICATION OF SAN JOAQUIN COMPRESS AND WAREHOUSE COMPANY, A CORPORATION, FOR PERMISSION TO ISSUE ADDITIONAL CAPITAL STOCK.

Application No. 11702.

Decided September 25, 1925.

SECURITIES—STOCK—TO ISSUE.—San Joaquin Compress Company authorized to issue and sell $10,000 of its common capital stock, in addition to the amounts heretofore authorized.

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Wiley and Harvey, for Applicant.

BY THE COMMISSION.

OPINION AND ORDER.

In this application San Joaquin Compress and Warehouse Company, a corporation organized primarily for the purpose of constructing and operating a cotton compress and warehouse in Bakersfield, asks permission to issue and sell at par $10,000 of its common capital stock, in addition to the stock heretofore authorized to be issued.

By Decision No. 14002, dated August 30, 1924, and by Decision No. 15187, dated July 16, 1925, the Commission authorized the corporation to issue and sell at par $100,000 of its common capital stock to finance estimated construction expenditures of like amount which were described as follows:

Machinery	$42,000 00
Land	13,000 00
Warehouse	25,000 00
Spur tracks	5,000 00
Boiler room	3,500 00
Office	1,500 00
Water works	10,000 00
Total	$100,000 00

It is now reported that the construction of the compress and warehouse plant, together with spur tracks and all necessary appurtenances, has been completed but that it was found necessary to exceed the estimate and to expend for such construction the sum of $114,574.98, the excess over the $100,000 received through the sale of stock being paid for with moneys advanced by Mr. T. J. West, a member of the corporation's board of directors.

Applicant proposes to liquidate the amount due Mr. T. J. West through the issue of stock and by borrowing money on short term notes. It therefore has made this application to issue and sell $10,000 of stock to pay in part its outstanding indebtedness due Mr. T. J. West.

The Commission has given consideration to applicant's request and is of the opinion that this is not a matter in which a public hearing is necessary and that the money, property or labor to be procured or paid for through the issue and sale of the $10,000 of stock is reasonably required by applicant for the purpose specified herein and that the expenditure for such purpose is not in whole or in part reasonably chargeable to operating expense or to income.

It is hereby ordered, that San Joaquin Compress and Warehouse Company be and it hereby is authorized to issue and sell, at not less than par for cash, $10,000 of its common capital stock, in addition to the amounts heretofore authorized to be issued and sold, and to use

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the proceeds to pay in part the indebtedness incurred in connection with the construction work referred to herein.

The authority herein granted is subject to the following conditions:

1. Under the authority herein granted no stock may be issued until fully paid for.

2. San Joaquin Compress and Warehouse Company shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted will become effective upon the date hereof, but under such authority no stock may be issued after January 31, 1926.

Dated at San Francisco, California, this twenty-fifth day of September, 1925.

DECISION NO. 15470.

ROSENBERG BROS. AND COMPANY, A CORPORATION,

vs.

WESTERN PACIFIC RAILROAD COMPANY, A CORPORATION.

Case No. 2135.

Decided September 26, 1925.

RATES—STEAM RAILROAD—SWITCHING CHARGES.—Defendant directed to refund switching charges on sixteen carloads of clean rice, which should have been absorbed in line haul charges.

BY THE COMMISSION.

OPINION.

Complainant is a corporation engaged in the business of buying, selling and milling rice, with its principal place of business at San Francisco, California.

By complaint filed June 16, 1925, it is alleged that the switching charge of $2.70 per car assessed by defendant for the switching service performed by the Southern Pacific Company at San Francisco in connection with 16 carloads of clean rice moving during the period from August 10, 1922, to November 25, 1922, both dates inclusive, from Arbee to San Francisco, was unjust, unreasonable and discriminatory and should have been absorbed by defendant. The freight charges on these shipments were paid on June 30, 1923.

Reparation only is sought.

The shipments in question were routed via the Sacramento Northern Railroad to Sacramento, thence Western Pacific Railroad for delivery

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to industry track 930 on the State Belt Railroad at Islais Creek, San Francisco. The Southern Pacific Company performed the switching service from the interchange track of defendant to the interchange track of the State Belt Railroad.

Defendant applied its established line haul rate of 25 cents per 100 pounds applicable from Arbee to San Francisco as published in Pacific Freight Tariff Bureau Tariff 34-H, C. R. C. 262, plus the Southern Pacific Company's switching charge of $2.70 per car, as published in Southern Pacific Company Terminal Tariff 230-H, C. R. C. 2381. The line haul rate is not involved in this complaint.

Effective July 5, 1923, defendant established in its Terminal Tariff No. 35-J, C. R. C. 245, an item which provided that the switching charge of $2.70 per car maintained by the Southern Pacific Company for switching cars between its interchange point with defendant and the interchange point with the State Belt Railroad on traffic originating at or destined to industries located at Islais Creek, San Francisco, would be absorbed by defendant when it received the line haul. There was also in effect from April 11, 1922, to and including August 31, 1922, and also from October 23, 1922, to and including December 31, 1922, a rate of 25 cents per 100 pounds on clean rice from Arbee to San Francisco via the Sacramento Northern Railroad and California Transportation Company which included the switching service to industries located at Islais Creek, San Francisco.

In a formal answer to the complaint defendant admits the allegations and has signified a willingness to make a reparation adjustment. Therefore, under the issues as they now stand, a formal hearing will not be necessary.

Upon consideration of all the facts of record, we are of the opinion and find that the charge of $2.70 per car assessed by defendant for the service performed by the Southern Pacific Company in switching complainant's shipments from the interchange track of defendant to the interchange track of the State Belt Railroad at San Francisco was unreasonable and discriminatory and should have been absorbed by defendant; that complainant paid and bore the charges on the shipments in question and has been damaged to the amount of $2.70 for each car moved and is entitled to reparation in the sum of $43.20.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

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It is hereby ordered, that the Western Pacific Railroad Company be and it is hereby authorized and directed to refund to complainant, Rosenberg Bros. and Company, $43.20 as reparation account unreasonable and discriminatory switching charges assessed in connection with the movement of the 16 carloads of clean rice, involved in this proceeding, during the period August 10, 1922, to November 25, 1922, both dates inclusive, from Arbee to industry track 930 on the State Belt Railroad at Islais Creek, San Francisco.

Dated at San Francisco, California, this twenty-sixth day of September, 1925.

DECISION NO. 15471.

VALLEY BUILDING MATERIAL COMPANY

vs.

THE WESTERN PACIFIC RAILROAD COMPANY AND THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY.

Case No. 2136.

Decided September 26, 1925.

RATES—STEAM RAILROAD—FIRE BRICK.—Reparation ordered of all charges collected in excess of seven cents per 100 pounds, Richmond to San Jose.

BY THE COMMISSION.

OPINION.

Complainant is engaged in the business of selling building materials and supplies, with its principal place of business at San Jose, California.

It is alleged by complaint filed June 17, 1925, that on the assumption that the rate applicable on fire brick from Richmond to San Jose via defendants' lines was the same as in effect via the Southern Pacific Company direct, complainant shipped two carloads of fire brick from Richmond to San Jose via defendants' lines. There was assessed and collected a rate of 8½ cents per 100 pounds, plus a switching charge of $2.70 per car, on the shipment moving January 11, 1923, and a rate of 10½ cents per 100 pounds, plus a switching charge of $2.70 per car, on the shipment moving June 1, 1923.

The freight charges on the former shipment were paid on January 22, 1923, and on the latter, June 9, 1923. These shipments were registered with the Commission on May 20, 1925, our file I. C. 32942, thus tolling the statute of limitation on the shipment moving June 1, 1923, but as the statute of limitation was not stayed on the shipment moving January 11, 1923, this Commission is without power to give consideration to that shipment, and no further reference will be made thereto.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

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The lawfully applicable rate on the shipment moving June 1, 1923, was a combination rate of 10½ cents made over San Francisco, the route via which the shipment actually moved. The factor from Richmond to San Francisco was 3½ cents, as published in Atchison, Topeka and Santa Fe Railway Tariff 12375-C, C. R. C. 496, and 7 cents San Francisco to San Jose, as published in Western Pacific Railroad Tariff 36-F, C. R. C. 257. The switching charge of $2.70 per car was applied in error and resulted in a straight overcharge.

On the date this shipment moved, there was concurrently in effect a rate of 7 cents on fire brick from Richmond to San Jose via the Southern Pacific Company direct. Defendants subsequently established, effective March 31, 1925, in Supplement 22 to Pacific Freight Tariff Bureau Tariff 34-J, C. R. C. 329, a rate of the same volume applicable via Oakland, the Southern Pacific Company acting as a bridge carrier at that point, defendants having no physical connection at Oakland. It is stated in the complaint that defendants' failure to publish this rate via Oakland prior to March 31, 1925, was due to their inability to sooner make suitable arrangements with the Southern Pacific Company whereby the latter line would perform the switching service at Oakland.

Defendants have signified a willingness to make reparation adjustment, and admit that the rate of 10½ cents assessed on this shipment would have been unreasonable had it been physically possible to have forwarded the shipment via the route subsequently established. Therefore, under the issues as they now stand, a formal hearing will be unnecessary.

Upon consideration of all the facts of record, we are of the opinion and find that the rate assessed for the transportation of one carload of fire brick from Richmond to San Jose, moving on June 1, 1923, was excessive under the circumstances and conditions then existing, to the extent it exceeded the subsequently established rate of 7 cents via Oakland.

We further find that complainant paid and bore the charges on the shipment in question and has been damaged to the amount of the difference between the charges paid at the lawfully applicable rate and those that would have accrued at the subsequently established rate of 7 cents, and is entitled to reparation. The complainant should submit a statement of shipment to defendant for check. Should it not be possible to reach an agreement as to the amount of reparation the matter may be referred to this Commission for further attention and the entry of a supplemental order.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had, and

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basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the Western Pacific Railroad Company and The Atchison, Topeka and Santa Fe Railway Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, Valley Building Material Company, all charges they may have collected in excess of 7 cents per 100 pounds for the transportation of one carload of fire brick, involved in this proceeding, shipped from Richmond to San Jose on June 1, 1923.

Dated at San Francisco, California, this twenty-sixth day of September, 1925.

DECISION No. 15472.

CALIFORNIA PACKING CORPORATION

vs.

SOUTHERN PACIFIC COMPANY.

Case No. 2146.

Decided September 26, 1925.

RATES—STEAM RAILROAD—CANNED GOODS.—Reparation ordered of all charges collected in excess of three cents per 100 pounds, San Jose to Milpitas.

BY THE COMMISSION.

OPINION.

Complainant is a corporation engaged in the packing of dried fruit and canned goods, with its principal place of business at San Francisco, California.

The complaint, filed July 15, 1925, alleges that the rate assessed by defendant for the transportation of 31 carloads of canned goods moved during the period from July 9, 1924, to July 25, 1924, both dates inclusive, from San Jose to Milpitas and stored at the latter point for subsequent distribution to points beyond, was unjust, unreasonable and in violation of section 13 of the Public Utilities Act to the extent it exceeded 3 cents per 100 pounds, minimum carload weight 80,000 pounds.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

The lawfully applicable rate in effect at the time these shipments moved was a commodity rate of 8 cents, minimum weight 30,000 pounds, as published in Southern Pacific Company Tariff 730-C, C. R. C. 2904. Prior to the date the shipments moved, defendant maintained in its

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Tariff 730-B, C. R. C. 2629, on canned goods from San Jose to Milpitas, a commodity rate of 3 cents, minimum weight 80,000 pounds, applicable only on shipments stored or warehoused at Milpitas to be subsequently reforwarded to points beyond. This rate was established July 30, 1923, and was published to expire December 31, 1923. Effective June 6, 1925, defendant reestablished this proportional rate in its Tariff 730-C, C. R. C. 2904. Thus, both before and after complainant's shipments moved, defendant maintained in effect the rate herein sought by complainant.

Defendant, in answer to the complaint, has signified a willingness to make a reparation adjustment and, therefore, under the issues as they now stand a formal hearing will not be necessary.

We find as a fact that the rate of 8 cents assessed by defendant for the transportation of the 31 carloads of canned goods involved in this proceeding moving from San Jose to Milpitas was unreasonable to the extent it exceeded 3 cents, minimum weight 80,000 pounds.

We further find that complainant paid and bore the charges on the shipments in question and has been damaged to the amount of the difference between the charges paid and those that would have accrued at the rate herein found reasonable and that it is entitled to reparation.

Complainant should submit to defendant for check a statement of the shipments involved. Should it not be possible for the parties to reach an agreement as to the amount of reparation due, the matter may again be referred to this Commission for the entry of a supplemental order.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendant, Southern Pacific Company, be and it is hereby authorized and directed to pay unto complainant, California Packing Corporation, all charges it may have collected in excess of 3 cents per 100 pounds, minimum carload weight 80,000 pounds, for the transportation of the 31 carloads of canned goods involved in this proceeding shipped during the period from July 9, 1924, to July 25, 1924, both dates inclusive, from San Jose to Milpitas, to be stored or warehoused at Milpitas and reforwarded to destination beyond.

Dated at San Francisco, California, this twenty-sixth day of September, 1925.

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DECISION NO. 15480.

IN THE MATTER OF THE APPLICATION OF THE CALIFORNIA-OREGON POWER COMPANY FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING THE ISSUANCE AND SALE OF SIX PER CENT PREFERRED STOCK OF THE PAR VALUE OF ONE MILLION DOLLARS.

Application No. 11701.

Decided October 1, 1925.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Application granted.

Dunne, Brobeck, Phleger and Harrison, by *H. H. Phleger*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order authorizing The California-Oregon Power Company to issue and sell 10,000 shares of its 6 per cent cumulative preferred stock of the aggregate par value of $1,000,000.

The California-Oregon Power Company was organized on or about October 14, 1920, with an authorized capital stock of $15,000,000, consisting of 150,000 shares of the par value of $100 each and divided equally into preferred and common. The company reports that up to August 31, 1925, pursuant to orders of the Commission, it had issued $4,441,000 of common stock and $4,071,900 of preferred stock and that in addition it had sold but not issued $348,100 of the preferred, making a total of $4,420,000.

The articles of incorporation of the company originally provided for cumulative dividends on the preferred stock at the rate of 7 per cent per annum. Applicant has now decided not to issue any more 7 per cent stock at this time, but to reclassify its capital stock so as to divide the $7,500,000 of its authorized preferred stock into $4,420,000 of 7 per cent stock and $3,080,000 of 6 per cent stock. It now asks permission to issue $1,000,000 of the new 6 per cent preferred stock.

Applicant proposes to sell its stock at 92 per cent of par value. It asks permission to use an amount not exceeding $2 per share of stock sold to pay costs and expenses incident to the sale and to use the remaining proceeds to reimburse its treasury, to pay indebtedness and to finance the cost of additions to and betterments of its plants and properties.

Applicant reports that it has expended about $1,576,000 against which it has not issued any stock or bonds. This construction expenditure has been financed through short-term notes, the investment of earnings, some of which are represented by the reserve for accrued depreciation and surplus, and by advances by consumers. The notes issued

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by applicant since January 1, 1925, amount to $1,066,314.37. In connection with Application No. 10862, applicant submitted a copy of its 1925 budget in which its construction expenses for the current year were estimated at $3,298,000. The record in this proceeding shows about $273,000 of 1925 proposed expenditures have been deferred to 1926, and that applicant during 1926 may have to expend as much as $1,000,000 for construction purposes.

It is for the purpose of paying indebtedness, of paying for additions and betterments and of reimbursing applicant's treasury because of earnings expended for additions and betterments that it asks permission to issue $1,000,000 of stock.

ORDER.

The California-Oregon Power Company having applied to the Railroad Commission for permission to issue and sell stock, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through the issue and sale of such stock is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that The California-Oregon Power Company be and it hereby is authorized to issue on or before December 31, 1926, $1,000,000 of its 6 per cent cumulative preferred stock.

The authority herein granted is subject to the following conditions:

1. Applicant may sell the stock herein authorized at not less than 92 per cent of par value and may use an amount not exceeding $2 per share of stock sold to pay commissions and other expenses incident to the sale thereof. The remaining proceeds and such portion of the $2 not needed to pay commissions and other expenses incident to the sale may be used by applicant to reimburse its treasury, to pay indebtedness and to finance in part the cost of the expenditures to which reference is made in the foregoing opinion.

2. The California-Oregon Power Company shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this first day of October, 1925.

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Decision No. 15484.

IN THE MATTER OF THE APPLICATION OF FEDERAL TELEGRAPH COMPANY FOR AN ORDER AUTHORIZING IT TO ISSUE FIFTY-THREE AND THIRTY-FIVE HUNDREDTHS SHARES OF ITS CAPITAL STOCK.

Application No. 11144.

Decided October 1, 1925.

SECURITIES—STOCK—TO ISSUE.—Application granted.

BY THE COMMISSION.

FIRST SUPPLEMENTAL ORDER.

In a supplemental petition filed in the above numbered application, Federal Telegraph Company asks permission to issue and sell at $8 per share 53.35 shares ($533.50 par value) of its common capital stock. The stock which the company now asks permission to issue is stock which it has previously issued and reacquired in connection with sales of delinquent assessments, and purchasing fractional shares to simplify the records of the company.

By Decision No. 15025, dated June 6, 1925, the Commission authorized the company to issue and sell for cash at not less than $8 per share 50,981.5 shares, and use the proceeds to finance in part the cost of the equipment to which reference is made in the opinion in said decision. The cost of the equipment is reported in excess of $2,000,000.

The Commission has considered the request of the company and believes that this is a matter in which a public hearing is not necessary, and that the money, property or labor to be procured or paid for through the issue of the stock herein authorized is reasonably required by applicant, and that the expenditures for the purposes specified herein are not in whole or in part reasonably chargeable to operating expenses or to income; therefore,

It is hereby ordered, that Federal Telegraph Company be and it is hereby authorized to issue and sell on or before December 31, 1925, for cash at not less than $8 per share 53.35 shares of its capital stock, of the aggregate par value of $533.50, and use the proceeds to finance in part the cost of the equipment to which reference is made in the opinion in Decision No. 15025, dated June 6, 1925.

The authority herein granted is subject to the following conditions:

1. Federal Telegraph Company shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

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2. The authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this first day of October, 1925.

DECISION No. 15489.

IN THE MATTER OF THE APPLICATION OF COAST COUNTIES GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION AUTHORIZING SAID COMPANY TO ISSUE AND SELL THREE THOUSAND SHARES OF ITS FIRST PREFERRED CAPITAL STOCK AT NOT LESS THAN NINETY PER CENT OF THE PAR VALUE THEREOF.

Application No. 11721.

Decided October 3, 1925.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Application granted.

Leo H. Susman, for Applicant.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order authorizing Coast Counties Gas and Electric Company to issue and sell 3000 shares of first preferred capital stock of the aggregate par value of $300,000.

Coast Counties Gas and Electric Company has an authorized capital stock of $4,000,000 divided into $2,000,000 of first preferred stock, $1,000,000 of second preferred stock, and $1,000,000 of common. The first preferred stock is entitled to cumulative dividends at the rate of 6 per cent a year before any dividends are paid on the second preferred or common stock and is preferred as to assets before the second preferred or common stock. The second preferred stock is entitled to cumulative dividends at the rate of 6 per cent a year after cumulative dividends have been paid on the first preferred stock and before any dividends are paid on the common stock and is preferred as to assets before the common stock.

The company reports that up to July 31, 1925, it has issued $1,682,700 of the first preferred stock, $1,000,000 of the second preferred stock and $1,000,000 of the common stock. In addition, it appears that it has sold, but not yet issued, $17,300 of the first preferred stock, so that this application involves the issue and sale of all the remaining authorized but unsold capital stock of applicant.

It is the company's intention, subject to the approval of the Commission, to sell the 3000 shares covered by this application at not less than $90 a share, and to use of the proceeds an amount not exceeding $4 a share to pay commissions and other expenses incident to the sale of said shares of stock, and to use the remaining proceeds to reimburse

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its treasury and to finance permanently, in part, capital expenditures made prior to May 31, 1925.

In a former application, No. 10663, the company reported its uncapitalized construction expenditures as of October 31, 1924, at $735,248.31. It now reports that from November 1, 1924, to May 31, 1925, it expended $349,665.06 in making additions to and betterments of its gas and electric properties, the two items aggregating $1,084,913.37. From this total, however, there is deducted $335,108.89 representing the net proceeds from the sale of the 4000 shares of stock authorized by the decision in Application No. 10663, and $11,957.57 representing credits to fixed capital on account of property retirements, resulting in a balance of $737,846.91, which applicant alleges represents construction expenditures as of May 31, 1925, which have been financed with moneys obtained other than through the issue and sale of securities.

Although this application has been filed in order to finance permanently a portion of the expenditures of $737,846.91, it appears from the testimony herein that the proceeds, or a portion of the proceeds, to be received through the issue and sale of the 3000 shares of stock after reimbursement, will be used to pay in part additional capital expenditures to be made subsequent to May 31, 1925. In this connection it is reported that the total capital expenditures for 1925 should aggregate $467,307 and that in the early part of 1926, approximately $163,500 must be expended in building a transmission line from Morgan Hill to Watsonville.

ORDER.

Coast Counties Gas and Electric Company having applied to the Railroad Commission for permission to issue and sell $300,000 of its first preferred capital stock, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured and paid for through such issue and sale is reasonably required by applicant, and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that Coast Counties Gas and Electric Company be and it hereby is authorized to issue and sell for cash at not less than 90 per cent of par value, on or before December 31, 1926, 3000 shares of its first preferred stock of the aggregate par value of $300,000.

The authority herein granted is subject to the following conditions:

1. Of the proceeds to be received from the sale of the stock herein authorized, applicant may use, if necessary, an amount not exceeding 4 per cent of the par value of the stock sold, to pay commissions and other expenses incident to the sale of such stock. The remaining proceeds and such portion of the 4 per cent not needed to pay commis-

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sions and other expenses incident to the sale of the stock shall be used by applicant to reimburse its treasury and to finance in part the cost of the additions and betterments made prior to May 31, 1925, and referred to in the foregoing opinion, provided that only such expenditures as are properly chargeable to fixed capital accounts, as defined by the classification of accounts prescribed by the Railroad Commission, shall be financed by such proceeds.

2. Coast Counties Gas and Electric Company shall keep such record of the issue, sale and delivery of the stock herein authorized, and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this third day of October, 1925.

DECISION No. 15491.

IN THE MATTER OF THE APPLICATION OF PACIFIC WAREHOUSE COMPANY, INCORPORATED, FOR AN ORDER AUTHORIZING THE ISSUE OF STOCK.

Application No. 11725.

Decided October 5, 1925.

SECURITIES—STOCK—TO ISSUE.—Application granted.

John C. Beale, for Applicant.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order authorizing Pacific Warehouse Company, Inc., to issue 2000 shares of its capital stock of the aggregate par value of $20,000.

The application indicates that the company was organized on or about September 12, 1925, primarily for the purpose of engaging in the general warehousing business in San Francisco. To that end it proposes to acquire from R. J. Roesling the properties and business now operated by him under the firm name and style of The Pacific Warehouse Company.

It appears that on April 1, 1925, R. J. Roesling leased for a period of ten years at a monthly rental of $450 a three-story brick building located at Fifth and Townsend streets, San Francisco, which formerly had been used by Caldwell Warehouse Company, and to date has invested approximately $6,000 in purchasing equipment and putting the properties and business into operation. The actual operations,

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which are under the direction of Mr. S. L. Groom, commenced during May, 1925, and from that time until the middle of September $1,126.01 was collected from storage and $1,383.94 expended for operating purposes, leaving a deficit of $257.93. It appears, however, that the volume of business is increasing monthly, at present the revenues approximating $500 monthly. The building, which has an aggregate floor space of about 35,000 square feet, is said to be one-third full.

It is proposed to assign the lease of the warehouse building to the applicant, which proposes, subject to the approval of the Commission, to issue $11,250 of its stock to R. J. Roesling and S. L. Groom in reimbursement of moneys advanced and time and services devoted in organizing and developing the business and putting it into operation, and in purchasing equipment. Applicant also proposes to issue and sell the remaining $8,750 of stock, or a portion thereof, if found necessary, to provide working capital.

The company's articles of incorporation, a copy of which is filed in this proceeding, provide for an authorized capital stock of $20,000, divided into 2000 shares of the par value of $10 each, all common. The present application involves the issue of all the authorized stock, and in our opinion should be granted, subject to the conditions of the following order:

ORDER.

Pacific Warehouse Company, Inc., having applied to the Railroad Commission for permission to issue $20,000 of stock, a public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that the application should be granted, as herein provided, and that the issue of $20,000 of stock is reasonably required by applicant;

It is hereby ordered, that Pacific Warehouse Company, Inc., be and it hereby is authorized to issue $11,250 of its capital stock to R. J. Roesling and S. L. Groom in reimbursement of moneys advanced and in payment for time and services devoted in organizing and developing the warehouse business, to which reference is made in the foregoing opinion, and in purchasing warehouse equipment.

It is hereby further ordered, that Pacific Warehouse Company, Inc., be and it is hereby authorized to issue and sell at not less than par $8,750 of its capital stock, or so much thereof as may be necessary, to provide working capital.

The authority herein granted is subject to the following conditions:

1. Pacific Warehouse Company, Inc., shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad

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Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted will become effective upon the date hereof, but under such authority no stock may be issued after June 30, 1926.

Dated at San Francisco, California, this fifth day of October, 1925.

DECISION No. 15492.

IN THE MATTER OF THE APPLICATION OF THE SOUTHERN SIERRAS POWER COMPANY, AN ELECTRICAL CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE AND SALE OF THREE HUNDRED FOURTEEN THOUSAND DOLLARS PAR VALUE FIRST AND REFUNDING MORTGAGE BONDS.

Application No. 11755.

Decided October 5, 1925.

SECURITIES—BONDS—TO ISSUE.—Application granted.

P. R. Ferguson, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled matter The Southern Sierras Power Company asks permission to issue and sell, at not less than 88 per cent of face value, $314,000 of its first and refunding mortgage 6 per cent bonds due January 1, 1965, to finance in part the cost of additions and betterments made during the period from January 1, 1925, to July 31, 1925.

Applicant's first and refunding mortgage permits it to issue bonds thereunder up to 85 per cent of the cost of additions and betterments to its plants and properties. Heretofore it has been authorized to issue bonds to finance in part capital expenditures made prior to December 31, 1924. Applicant in its Exhibit "B" reports the cost of additions and betterments to its properties at $1,329,842.04. From this amount, however, it deducts $153,470.39, representing property displaced, and $806,930.30, representing amounts carried in construction work in progress accounts which were used in previous certificates as a basis for issuing bonds. Making these adjustments there is left the sum of $369,441.35 against which no bonds are said to have been issued. Eighty-five per cent of $369,441.35 is approximately $314,000, the face value of the bonds now proposed to be issued.

Applicant at present has outstanding bonds which it has issued under two mortgages: A first mortgage executed as of September 1, 1911, to secure payment of an authorized issue of $5,000,000 of 6 per cent bonds due September 1, 1936, and a first and refunding mortgage of the open-end type executed as of January 1, 1915, to secure the payment of first

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and refunding mortgage 6 per cent bonds due January 1, 1965. In addition it has assumed the payment of the 6 per cent serial bonds of Coachella Valley Ice and Electric Company, dated January 1, 1912, and payable in annual installments of $15,000 on the first day of January of each of the years 1937 to 1956.

As of July 31, 1925, applicant reports its outstanding bonded debt as $10,898,500, which consists of the following:

First mortgage bonds		$2,489,500
First and refunding mortgage bonds:		
Series "A," dated January 1, 1915	$2,323,000	
Series "B," dated January 1, 1920	5,000,000	
Series "C," dated January 1, 1924	786,000	
		8,109,000
Coachella Ice and Electric Company bonds		300,000
Total		$10,898,500

Other indebtedness, as of the same date, includes advances from affiliated companies of $500,000 notes and accounts payable of $2,168,096.30 and other current liabilities of $143,920.90, the other indebtedness aggregating $2,812,017.20.

Applicant has requested permission to use the proceeds from the sale of the bonds to pay the cost of additions and betterments; pay indebtedness; or reimburse its treasury because of earnings invested in its properties. Applicant offered no evidence showing the amount of earnings invested in its properties nor did it submit a detailed estimate of construction expenditures to be incurred subsequent to July 31, 1925. The record is complete only in respect to construction expenditures incurred to July 31, 1925, and indebtedness outstanding as of that date. We believe that the proceeds from the sale of the bonds should be used to pay indebtedness.

ORDER.

The Southern Sierras Power Company having applied to the Railroad Commission for permission to issue and sell $314,000 of bonds, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue and sale is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that The Southern Sierras Power Company be and it hereby is authorized to issue and sell on or before February 28, 1926, at not less than 88 per cent of face value plus accrued interest, $314,000 of its first and refunding mortgage 6 per cent bonds and to use the proceeds to pay indebtedness referred to in applicant's Exhibit "A."

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The authority herein granted is subject to the following conditions:

1. The Southern Sierras Power Company shall keep such record of the issue, sale and delivery of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $314.

Dated at San Francisco, California, this fifth day of October, 1925.

DECISION NO. 15499.

ROBERT H. DALY ET AL.

vs.

PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION.

Case No. 1843.

Decided October 7, 1925.

RATES—STEAM HEATING—AUTOMATIC ADJUSTMENT.—Pacific Gas and Electric Company directed to reduce steam rates on the basis of a reduction in the cost of fuel oil of 35 cents per barrel.

BY THE COMMISSION.

FOURTH SUPPLEMENTAL ORDER.

Whereas, Decision No. 12580 in the above entitled matter, provided with reference to the steam rates of Pacific Gas and Electric Company that such rates be subject to increase or decrease upon approval of this Commission on the basis of three cents per thousand pounds of steam for each ten-cent increase or decrease respectively per barrel in the price of oil above or below the price in effect on August 1, 1923; and,

Whereas, Pacific Gas and Electric Company now makes affidavit that on September 22, 1925, the price of oil was decreased by thirty-five cents (35¢) per barrel as a result of which it will, until again changed, be thirty cents (30¢) per barrel above the price in effect August 1, 1923;

It is hereby ordered, that Pacific Gas and Electric Company reduce its present rates for steam so that they shall be nine cents (9¢) per thousand pounds greater than those fixed in Decision No. 12580, said reduction to become effective for all regular meter readings taken on and after October 22, 1925.

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It is hereby further ordered, that Pacific Gas and Electric Company file with this Commission on or before October 22, 1925, revisions of its schedule as herein authorized.

Dated at San Francisco, California, this seventh day of October, 1925.

DECISION NO. 15506.

IN THE MATTER OF THE APPLICATION OF SOUTH SAN FRANCISCO WATER COMPANY FOR AN ORDER INCREASING AND ESTABLISHING ITS RATES.

Application No. 10678.

Decided October 9, 1925.

RATES—WATER UTILITY—FIRE HYDRANTS.—Finding that present rates do not yield a fair return and do not spread the cost of service equitably among the consumers, the Commission fixes rates that will, it is estimated, accomplish both these things. A charge is established for each fire hydrant, for which there was no charge under the old rates.

McKinstry, Haber and Firebaugh, by *Joseph Haber, Jr.*, for Applicant.
John F. Davis, City Attorney of South San Francisco.
P. R. Thompson, for City of South San Francisco Chamber of Commerce.
P. J. Walker, for the South San Francisco Manufacturers' Association.

BY THE COMMISSION.

OPINION.

This is an application for an increase in water rates by the South San Francisco Water Company, a corporation, engaged in the public utility business of supplying water for domestic, industrial and municipal purposes to consumers in the city of South San Francisco and adjacent territory in San Mateo County.

The application in this proceeding alleges in effect that the present rates charged are noncompensatory and inadequate to yield the revenue necessary to meet the maintenance and operation expenses of the system including a depreciation annuity and in addition provide for a fair and reasonable return upon the investment which applicant has made in the properties which it has devoted to the public use.

A public hearing in this matter was held at South San Francisco on May 8, 1925, before Examiner Satterwhite, after all interested parties had been duly notified and given an opportunity to be present and be heard.

This water system was originally installed by the South San Francisco Land and Water Company, a corporation affiliated with the Western Meat Company, to provide the water supply necessary for the

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latter's packing house and plant and for certain other industries in the vicinity. South San Francisco Land and Water Company was primarily engaged in the business of subdividing and marketing its industrial and residential properties, including the townsite of South San Francisco. Domestic water was first served in the community about 1893. South San Francisco was incorporated as a city about 1907.

South San Francisco Water Company, the applicant herein, acquired these water supply properties in October, 1907, having been organized and incorporated for the purpose of divorcing the public utility water business of the land company from its real estate operations. Subsequently the land company was reincorporated as the South San Francisco Land and Improvement Company.

The rapid growth of the community and of the industrial area, with the increased demand for water, has necessitated extensive additions and improvements to the system during the past five years, including the installation of new and more efficient pumping equipment. The water supply of this system is obtained from eleven operative wells drilled on a tract of water-bearing land located in the western end of the territory served. The water is raised from these wells mainly by air lift to the pumping plant, from which it is delivered through an 18-inch cast iron transmission main to the city distribution system, and thence through a considerable length of 18-inch cast iron pipe and 12-inch riveted pipe to serve the main industrial center, located at the extreme eastern end of the system. The delivery of water is regulated by two concrete-lined storage reservoirs, each of about one and a half million gallons capacity and located at opposite ends of the system.

For the past eight years the industrial and manufacturing plants have consumed over 80 per cent of the entire water production of the system. The meter records for 1924 give the total number of consumers as 1091 and the total water consumption for the year as 48,575,200 cubic feet, of which 38,486,800 cubic feet was delivered to industries. In 1917 there were only 687 consumers and the total quantity of water delivered was 36,781,600 cubic feet.

Detailed appraisals of the physical properties of this utility at present used and useful were submitted by F. C. Herrmann, consulting engineer, for applicant, and by H. A. Noble, one of the Commission's hydraulic engineers. The lands and rights of way owned by the company were appraised by Philip P. Paschel, on behalf of the applicant, as having a market value of $48,247, and by E. P. McAuliffe, the Commission's land expert, at $44,674 as of April 9, 1925. The summaries

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of these appraisals as compiled for the purpose of comparison, are given in the following tabulation:

Summary of Appraisals.

Items.	By F. C. Herrmann		By H. A. Noble
	Estimated historical cost	Estimated reproduction cost new, less depreciation	Estimated historical cost
Total lands and rights of way	$44,394	$48,247	$44,674
Total physical properties in use January 1, 1925	344,808	355,597	350,018
High zone construction and miscellaneous additions and betterments	69,276	69,276	66,879
Organization	-------	5,000	-------
Working capital	10,000	10,000	-------
Total appraisal as of April 1, 1925	$468,478	$488,120	$461,571

As indicated in the above table, applicant submitted two appraisals of the properties, one based on the estimated historical cost and the second showing a larger total sum based on an estimated reproduction cost less accrued depreciation. Applicant stated at the hearing that for the purpose of this proceeding it was not particularly concerned about the reproduction cost. There is but a small difference between the total values found in the two appraisals submitted upon the estimated original or historical cost of the physical properties, although a comparative analysis of the details of these appraisals shows considerable variation in the respective costs developed for certain items and groups of items.

Applicant has included in its appraisal a sum of $10,000 for working capital, being approximately equivalent to the average gross income of the company for a period of one and one-half months. All service rendered on this system is measured through meters and the water is necessarily delivered to the consumers for a period of one month in advance of payment for the service received. It appears reasonable therefore that some proper allowance for working capital should be made in the rate base. An analysis of the operating conditions existing on this system leads to the conclusion that for the purpose of this proceeding an amount based upon the average cost of operation and maintenance for a period of one and a half months will provide a fair and proper measure for the working capital. This amounts to approximately $5,000, and as it appears reasonable under the circumstances will therefore be used therein.

There was no dispute as to the fair present market value of the lands and rights of way belonging to this water system. The difference of $3,573 between the two appraisements submitted was attributed to the inclusion by Paschel for applicant of an additional factor of 8 per cent to cover the cost of acquisition of certain of the properies, such as surveys, commissions, abstracts, etc. The depreciation annuity for

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the purpose of providing for the replacement of the physical properties at the end of their useful lives was estimated by the Commission's engineer to be $3,703, computed by the 5 per cent sinking fund method. This amount was accepted as reasonable by the applicant at the hearing.

A consideration of the evidence presented in this matter, relative to the value of the properties of this system devoted to the public use, leads to the conclusion that a reasonable rate base for the purposes of this proceeding is $465,000 and that the corresponding depreciation annuity may reasonably be accepted as the above agreed figure of $3,703.

In the following tabulation will be found for the purpose of comparison the maintenance and operation expenses of the company for the past five years, exclusive of depreciation, as set out in the annual reports of this utility filed with the Commission.

Summary of Maintenance and Operation Expenses.

Items	1920	1921	1922	1923	1924
Repairs to well:					
Source of supply	$129 59	$761 48	$78 14	$244 89	$233 19
Pumping expenses:					
Pumping labor	4,790 82	5,770 66	4,849 48	4,806 89	4,858 90
Electric power	20,539 36	14,410 27	17,047 78	16,191 58	14,564 58
Supplies and miscellaneous expense	197 38	135 32	297 51	190 01	207 36
Repairs to equipment, buildings, etc	584 59	986 09	636 30	287 78	2,611 44
Purification:					
Supplies and expense	----------	----------	----------	250 70	445 29
Distribution system expenses:					
Repairs, pipe mains, reservoirs, meters and services — labor and material	2,734 25	2,487 68	2,269 35	3,818 44	3,220 72
Collection expenses	118 95	52 69	96 16	121 49	299 01
General and miscellaneous expenses:					
General officers and clerks, salaries and expenses	4,108 51	4,559 54	6,718 52	12,908 87	13,878 60
Legal expense	12 00	11 50	17 50	270 00	18 50
Insurance	623 87	617 18	359 31	559 80	529 61
Taxes	1,183 32	960 78	1,140 42	1,176 21	2,213 18
Injuries and damages	----------	----------	----------	----------	3 50
Railroad commission expenses	----------	----------	----------	----------	1,500 00
Grand totals	$35,020 64	$30,753 19	$33,570 47	$40,826 66	$44,583 88

The operating and maintenance expenses submitted by Herrmann in his report were based upon the above-mentioned annual reports of the company. In the Herrmann report the expenses for the year 1925 are estimated to be $43,500.

The book accounts and vouchers covering the operating expenses for the past two years, 1923 and 1924, have been examined and analyzed

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in detail by the hydraulic division of the Commission. The total operating expenses for 1923 and 1924 show a considerable increase over preceding years. According to the evidence this increase may be attributed to increases in salaries and to the inclusion of certain items more properly chargeable to capital installed, together with certain charges of an extraordinary or abnormal nature which do not recur annually. The items of capital installation improperly charged to expenses amounted to $1,128.75 in 1923 and $4,545.68 in 1924. These charges are chiefly for certain replacements and improvements to wells, reservoirs and pumping equipment. The extraordinary expenses are mainly attributable to the costs of preparing appraisals of the company's properties for the instant proceedings and amount to $3,111.04 for 1923 and $1,920.10 for 1924. There is a further deduction of $383.33 for 1924 to cover an accounting entry for taxes not finally transferred on the company's books at the date of investigation. The above amounts deducted from the 1923 and 1924 operating expenses give the normal cost of operation for these years as $36,587 and $37,734 respectively.

While the overhead expenses for the operation of this plant are greater than the conditions and size of the plant warrant, yet this fact is offset to a considerable extent by the increased cost of pumping and other expenses which will directly result from the rapid growth of the community served, together with the necessary and proper provision for the amortization of the extraordinary expenses heretofore incurred. A careful analysis of the evidence indicates that the sum of $39,000 is a reasonable allowance for the cost of operation and maintenance for the immediate future.

The gross operating revenues for the past four years produced from the rates at present in effect are as follows:

Operating Revenues for Past Four Years.

Source of income	1921	1922	1923	1924
Commercial—flat rate	$18 00	$18 00	$13 50	----------
Commercial—meter rate	18,066 64	18,538 31	21,131 37	$26,457 23
Industrial—meter rate	25,371 75	34,821 34	43,047 92	43,118 79
Miscellaneous earnings	----------	120 00	360 00	360 00
Total revenues	$43,456 39	$53,497 65	$64,552 79	$69,936 02

The increased revenue in 1924 over that in 1921 indicates the growth of the system during this period, with the consequent increased demand and consumption of water.

The results of operation for the year 1924, using the allowance for operating expenses of $39,000 as set out above, indicate a net earning for the year of slightly less than 5.9 per cent upon the rate base of $465,000. Making due allowance for a reasonable rate of business growth it appears that applicant is entitled to a slight increase in rates,

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which may be effected by a general readjustment in the spread of rates, especially as to the large industrial and manufacturing uses.

The rates at present in effect were established by an ordinance of the board of trustees of the city of South San Francisco on April 14, 1914, and are as follows:

Meter Rates.

Minimum charge, all use, per month	$1 00
Domestic use per 100 cubic feet per month	23
For use of water by industries, per 1000 gallons per month $0.15, which equals per 100 cubic feet per month	112
For use of water for street sprinkling or for general purposes by the city, per 100 cubic feet per month	08
For fire hydrants in the city	no charge

From a study of the above rate schedule in connection with the records of the monthly metered water use on the system for the past two years, it appears that it does not equitably and properly distribute the charges to the various consumers according to the character and the amount of their respective uses of water.

Heretofore the schedule of rates of this company has contained no provision for payment for the service rendered to the community for fire protection purposes. This service has been rendered free of all charges to the city. In order to provide for this class of service, it is apparent that the transmission and distribution system must be designed to carry a greater volume of water than generally required for normal domestic and industrial use. This additional investment in plant and equipment for fire service, together with the costs of maintenance thereof, in fairness should not be entirely assessed against the regular consumers but should more equitably be borne by the property owners in the territory served. The municipality will be reimbursed by revenue derived through general taxation. Accordingly a rate, which we believe will be fair and reasonable under present conditions, will be established in the following order providing for the payment by the city of South San Francisco for each public hydrant used for fire fighting purposes.

The rate schedule established in the following order has been designed to accomplish a more equitable distribution of the charges and has been computed to yield approximately a full return upon the investment, after due allowance has been made for the probable increase in the number of consumers and a consequent greater demand for water on the system in the near future.

ORDER.

South San Francisco Water Company, a corporation, having made application to this Commission for authority to increase the rates

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charged for water delivered to its consumers in the city of South San Francisco and vicinity, in San Mateo County, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed thereon:

It is hereby found as a fact that the rates now charged by the South San Francisco Water Company, a corporation, for water supplied to its consumers are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for such service.

And basing its order upon the foregoing findings of fact and upon the other statements of fact contained in the opinion preceding this order;

It is hereby ordered, that South San Francisco Water Company, a corporation, be and it is hereby authorized and directed to file with the Railroad Commission, within twenty (20) days from the date of this order, the following schedule of rates to be charged for all water delivered to consumers subsequent to November 1, 1925:

Meter Rates.

Minimum monthly charges—

For ⅝-inch meter	$1 25
For ¾-inch meter	1 75
For 1 -inch meter	2 50
For 1½-inch meter	4 50
For 2 -inch meter	6 00
For 3 -inch meter	12 00
For 4 -inch meter	20 00
For 6 -inch meter	35 00
For 8 -inch meter	55 00

Each of the foregoing "minimum monthly charges" will entitle the consumer to the quantity of water which that minimum monthly charge will purchase at the following "monthly meter rates."

Monthly meter rates—

From 0 to 500 cubic feet, per 100 cubic feet	$0 25
From 500 to 2,000 cubic feet, per 100 cubic feet	22
From 2,000 to 50,000 cubic feet, per 100 cubic feet	13
All over 50,000 cubic feet, per 100 cubic feet	115

Municipal Use.

1. Water used for street sprinkling and sewer flushing, by computed or measured quantity, per 100 cubic feet	$0 25
2. For each double fire hydrant, per month	2 00
For each single fire hydrant, per month	1 50
3. All other municipal use of water, including public buildings, schools and irrigation of parks and grounds, to be charged for at the regular meter rates.	

It is hereby further ordered, that South San Francisco Water Company, a corporation, file with the Railroad Commission within thirty (30) days from the date of this order, revised rules and regulations governing service to its consumers, said rules and regulations to become effective upon their acceptance for filing by this Commission.

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For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this ninth day of October, 1925.

Decision No. 15508.

IN THE MATTER OF THE APPLICATION OF HOME TELEPHONE COMPANY OF COVINA, A CORPORATION, FOR AUTHORITY TO ESTABLISH AND PUT IN EFFECT CERTAIN RATES FOR SERVICE.

Application No. 11733.

Decided October 9, 1925.

RATES—TELEPHONE UTILITY—RULES AND REGULATIONS.—A charge of five cents for local calls from public pay stations authorized and uniform rules and regulations, governing moves and changes of equipment, established.

BY THE COMMISSION.

ORDER.

Whereas, Home Telephone Company of Covina having filed an application with this Commission, requesting authority to file and place in effect certain rules and regulations relative to charges for moves and changes, and to establish throughout the territory served by it public telephone stations as may be necessary and a charge of five cents (5¢) for each local call made from each such public telephone station; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 8146 (18 C. R. C. 912), dated September 24, 1920, and Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations; and

Whereas, the rendering of public pay station service will be in the interest of the subscribers of the Home Telephone Company of Covina and to the public, and it appearing that applicant's request is reasonable and that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Home Telephone Company of Covina be and it is hereby authorized to file with this Commission, effective as of November 1, 1925, the following rules and regulations:

1. Moves and Changes.

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company, and the charges for such work will be as follows:

A. Telephone sets.

1. Moving from one location to another	$3 00
2. Change in type or style	3 00

B. Other equipment and wiring.

Charges for moving or changing of equipment or wiring, other than that included under A and B above, will be an amount equal to the actual cost of labor and material involved.

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C. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the telephone company and required for the proper maintenance of the equipment or service.

D. Change in class of service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478 except as modified in section 1 above, and as may be approved by this Commission.

It is hereby further ordered, that Home Telephone Company of Covina be and it is hereby authorized to establish throughout the territory served by it public telephone stations as may be necessary to render adequate service to the public, and to charge the sum of five cents (5¢) for each local call made from such public telephone stations on and after November 1, 1925.

Providing said rules and regulations and rates be filed with this Commission on or before October 31, 1925.

Dated at San Francisco, California, this ninth day of October, 1925.

DECISION NO. 15512.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION FIXING FAIR AND REASONABLE RATES FOR GAS SUPPLIED TO ITS CONSUMERS.

Application No. 6108.

Decided October 9, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Pacific Gas and Electric Company directed to reduce rates under Schedules G-1, G-3, G-4, G-5, G-6, G-7, G-8, G-9, on the basis of a reduction in the cost of fuel oil amounting to 35 cents a barrel, effective on meter readings on and after October 22, 1925.

BY THE COMMISSION.

SEVENTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 9125 (20 C. R. C. 64), in the above entitled matter, this Commission provided, with reference to the rates therein established, that such rates would be subject to increase or decrease by amounts as set forth therein, upon approval of the Railroad Commission, based upon a change in the price paid for oil in the various communities served; and

Whereas, Pacific Gas and Electric Company makes affidavit that, as of September 22, 1925, the price paid for oil was decreased;

It is hereby ordered, that Pacific Gas and Electric Company be and it is authorized to decrease the rates for gas service, as determined in Decision No. 14584, effective for all regular meter readings taken on

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and after October 22, 1925, so that the rates of the several schedules shall be less than the basic rates of the respective schedules, set forth in Decision No. 9125, by the following amounts:

Schedule G-1	9 cents per 1,000 cubic feet.
Schedule G-3	12 cents per 1,000 cubic feet.
Schedule G-4	10 cents per 1,000 cubic feet.
Schedule G-5	11 cents per 1,000 cubic feet.
Schedule G-6	11 cents per 1,000 cubic feet.
Schedule G-7	13 cents per 1,000 cubic feet.
Schedule G-8	17 cents per 1,000 cubic feet.
Schedule G-9	11 cents per 1,000 cubic feet.

It is hereby further ordered, that Pacific Gas and Electric Company file with the Commission on or before October 20, 1925, revisions of its schedules as herein authorized.

Dated at San Francisco, California, this ninth day of October, 1925.

DECISION NO. 15514.

UNION LUMBER COMPANY

vs.

SOUTHERN PACIFIC COMPANY, NORTHWESTERN PACIFIC RAILROAD COMPANY, CALIFORNIA WESTERN RAILROAD AND NAVIGATION COMPANY.

Case No. 2071.

Decided October 9, 1925.

RATES—STEAM RAILROAD—LUMBER.—Reparation awarded complainants of all charges in excess of 27 cents per 100 pounds, Fort Bragg to El Verano.

A. Larsson, for Complainant.
J. E. Lyons, for Defendant, Southern Pacific Company.
J. J. Geary, for Defendant, Northwestern Pacific Railroad Company.

BY THE COMMISSION.

OPINION.

Complainant is a corporation existing under and by virtue of the laws of the State of California and is engaged in the manufacture and sale of lumber and its products.

It is alleged by complaint filed November 20, 1924, that the rates assessed by the defendants for the transportation of lumber and its products moving during the years 1921, 1922 and 1923, from Fort Bragg to El Verano were unjust, unreasonable, discriminatory and also in violation of section 24 (*a*) of the Public Utilities Act to the extent they exceeded 25 cents per 100 pounds prior to July 1, 1922, and 22½ cents per 100 pounds thereafter.

The statute of limitation was stayed on the shipments involved herein under the Commission's files I. C. 28053 of July 25 and August 20, 1923, and I. C. 30594 of June 17, 1924.

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A public hearing was held on August 11, 1925, before Examiner Geary at San Francisco and the case having been duly submitted is now ready for our opinion and order.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

Fort Bragg is a point on the California Western Railroad and Navigation Company located forty miles west of Willits, which is the interchange point with the Northwestern Pacific Railroad. El Verano is on the Santa Rosa branch of the Southern Pacific Company situated five miles northwest of Shellville Junction, the latter being the interchange point with the Northwestern Pacific Railroad. The Northwestern Pacific Railroad acted only as the intermediary carrier.

The shipments herein involved destined to El Verano consisted of 20 carloads of lumber and the charges were assessed under tariff rates applicable via California Western Railroad and Navigation Company to Willits, Northwestern Pacific Railroad to Shellville Junction, and Southern Pacific Company to destination, a total distance of 175 miles. The movements, however, were actually made via the short route, Northwestern Pacific Railroad to Santa Rosa, thence Southern Pacific Company, a distance of 146 miles. Of the 20 carloads, 13 moved prior to July 1, 1922, and 7 thereafter. The lawfully applicable rate prior to July 1, 1922, was 34 cents, made by combination on Shellville Junction. The factor from Fort Bragg to Shellville Junction was a commodity rate of 25 cents and the factor from the latter point to El Verano was the minimum Class B rate of 9 cents. Effective July 1, 1922, the commodity rate factor of 25 cents was reduced to 22½ cents, making the through rate in effect on and after that date 31½ cents. This combination rate remained in effect until February 1, 1923, when the so-called Minimum Class Scale rule in Pacific Freight Tariff Bureau Exception Sheet No. 1-H, C. R. C. 254, was amended to provide that the minimum Class B rate would be observed only when the combined class and commodity rates were less than 9 cents. Prior to that time the operation of the Minimum Class Scale was dependent solely upon class rates. As the actual Class B rate from Shellville Junction to El Verano was 4½ cents the through rate, using the commodity rate of 22½ cents to Shellville Junction, plus the Class B rate beyond, was 27 cents on and after February 1, 1923. Thus, during the period here involved, defendants maintained three rates, namely, 34 cents prior to July 1, 1922; 31½ cents from July 1, 1922, to February 1, 1923, and 27 cents thereafter. Defendants assessed and collected a 34-cent rate on 13 shipments, a 31½-cent rate on one shipment and a rate of 29½ cents on 6 shipments. The latter rate of 29½ cents applied to the six shipments moved subsequent

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to February 1, 1923, was in error and resulted in a straight overcharge of 2½ cents per 100 pounds.

At the time these shipments moved, defendants concurrently maintained rates of 25 cents prior to July 1, 1922, and 22½ cents thereafter from Fort Bragg to Santa Rosa, a distance of 126 miles, and to Shellville Junction via Ignacio, a distance of 170 miles; to Union 185 miles; to Sacramento 233 miles; to Stockton 282 miles; to San Francisco 244 miles and to San Jose 280 miles. These rates were maximum in application and applied at directly intermediate points on the main lines of defendants.

Effective August 7, 1924, carriers voluntarily established the 22½-cent rate from Fort Bragg to El Verano routed via the long line, 175 miles through Shellville Junction, and on December 30, 1924, this rate was made to apply via the short line, 146 miles through Santa Rosa, thence via Southern Pacific Company. Complainant maintains that the rates of 25 cents in effect prior to July 1, 1922, and 22½ cents thereafter should also have been in effect to El Verano in view of the wide blanketed area to which these rates applied and the additional fact that Santa Rosa on the west, and Shellville Junction and points beyond on the east, of El Verano enjoyed the blanketed rates. Great stress is laid by complainant upon the fact that defendants actually transferred these shipments from the Northwestern Pacific Railroad to the Southern Pacific Company at Santa Rosa, which involved via that route a haul of only 146 miles as compared with a haul of 175 miles had the shipments traveled via the route over which the tariff rates applied.

Defendants contend that the blanketed rates were predicated upon water competition. They testified that at the time the Northwestern Pacific Railroad completed its line to Eureka the water rate from Eureka and Fort Bragg to San Francisco was $2.50 per 1000 feet, board measure. The lumber shipped varied in weight from two to four pounds per board foot. To meet the competition of the steamer lines an arbitrary rate of 10 cents was established for the rail haul to San Francisco and to that arbitrary was added the local rate then in effect, of 6 cents, from San Francisco to Stockton, the latter being arbitrarily used as a base point. The through rate of 16 cents thus made was then blanketed to embrace the territory hereinbefore described. The present rate of 22½ cents is an outgrowth of the general increases effective June 25, 1918 (General Order No. 28 of the Director General of Railroads), and August 26, 1920 (18 C. R. C. 646–654), and the 10 per cent reduction effective July 1, 1922 (68 I. C. C. 676).

Defendants urge that it is not unusual to observe at branch line points in the contiguous territory to which blanketed rates apply a

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differential over the main line points, and they presented an exhibit showing that from Fort Bragg and other lumber producing points to branches of the Southern Pacific Company they have in effect rates ranging from one-half cent to 6½ cents higher than the rates in effect at the main line junction points. It is contended that the differentials maintained to El Verano over the main line rates were not unreasonable or unusual, especially in view of the fact that the haul involved a three-line movement, which, from comparisons shown by exhibits with rates in other parts of the state seem to be the fact, except with respect to the 9-cent differential in effect from July 1, 1922, to February 1, 1923.

Complainant's allegation that the assailed rates were in violation of section 24 (*a*) of the Public Utilities Act is predicated upon the fact that the actual movement of the shipments herein involved was via Santa Rosa, thence Southern Pacific, and is coupled with the assumption that shipments made under the 25-cent rate, in effect prior to July 1, 1922, and 22½ cents thereafter, to Shellville Junction, Union, Sacramento, Stockton and other main line points similarly located, also moved via that route. Manifestly, if the rates to these points and to El Verano had been applicable, under the tariffs, via Santa Rosa thence Southern Pacific, the concurrently effective rates to El Verano if higher would have been in violation of the long and short haul clause. However, both complainant and defendants agree that under the tariff routing the rates did not apply via the Santa Rosa-Southern Pacific gateway.

We do not think it can be successfully contended that when, for operating convenience, a shipment moves by some other route than the route over which the rates apply, there is a violation of the long and short haul provisions of the Public Utilities Act. Such violations relate to rates and not to the traveled routes of operation. the shipper having ordinarily no interest in the actual movement unless he chooses for his own reasons to prescribe the particular route, in which event the prescribed route irespective of rates must be followed. There were no routing instructions in these cases and, therefore, so long as the carriers applied the lowest rates in effect they were lawfully entitled to move the shipments via the most convenient route.

At the time these shipments moved there were no joint rates through Santa Rosa and Southern Pacific Company to El Verano and had they been routed that way and the rates applicable to the actual route of movement been charged, the shipper would have been assessed the Class B rate from Santa Rosa to El Verano, 7 cents, instead of 4½ cents, the Class B rate from Shellville Junction. Complainant's contention, therefore, that the rates actually applied violated section 24 (*a*) of the

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Public Utilities Act is not sustained. (*National Magnesia Manufacturing Co.* vs. *So. Pac. Co.*, 23 C. R. C. 805.)

Upon consideration of all the facts of record we are of the opinion and find that the assailed rates were not unreasonable prior to July 1, 1922, or on and after February 1, 1923, but we do find that the assailed rate of 31½ cents, in effect from July 1, 1922, to January 31, 1923, both dates inclusive, was unreasonable to the extent it exceeded 27 cents.

We further find that the assailed rates were at all times herein involved unduly discriminatory to complainant.

The undue discrimination found to exist was voluntarily removed by defendants August 7, 1924, by the publication of the 22½-cent rate, and there is no evidence that the rates in effect to other consuming points resulted in any actual pecuniary loss to complainant.

Reparation, therefore, should be denied except on the one shipment moving January 23, 1923, on which defendants assessed and collected the rate of 31½ cents found by us to have been unreasonable. Complainant paid and bore the charges on the shipment in question and is entitled to reparation in the amount of the difference between the charges paid and those that would have accrued at 27 cents.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and conclusions contained in said opinion, which is hereby referred to and made a part hereof;

It is hereby ordered, that defendants, Southern Pacific Company, Northwestern Pacific Railroad Company and California Western Railroad and Navigation Company, according as they participated in the traffic, be and they are hereby authorized and directed to pay, with interest, to complainant, Union Lumber Company, all charges they may have collected in excess of 27 cents per 100 pounds for the transportation of one carload of lumber and its products, involved in this proceeding, shipped from Fort Bragg to El Verano on January 23, 1923.

It is hereby further ordered, that as to all other matters the complaint in this proceeding be and the same is hereby dismissed.

Dated at San Francisco, California, this ninth day of October, 1925.

DECISION NO. 15519.

IN THE MATTER OF THE APPLICATION OF THE WESTERN PACIFIC RAILROAD COMPANY FOR PERMISSION TO CONSTRUCT A SPUR TRACK AT GRADE ACROSS LOOMIS STREET, SAN BRUNO AVENUE AND HOLLADAY AVENUE, SAN FRANCISCO, AND ACROSS TRACKS

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OF MARKET STREET RAILWAY COMPANY AT SAN BRUNO AVENUE.

Application No. 11206.

Decided October 9, 1925.

GRADE CROSSING—STEAM RAILROAD.—Temporary permit granted applicant to construct spur track at grade across Loomis street, San Bruno avenue and Holladay avenue in the city and county of San Francisco, and across tracks of the Market Street Railway Company, same to lapse on completion and public use of the Bay Shore highway.

C. W. Dooling, for Applicant.
Bernard Lowe, in propria persona.
E. G. Poss, for California Highway Commission.
William Tudor, for California Automobile Association.
C. E. Healy, for City and County of San Francisco.
L. P. Nutcher, for Quality Enameling Company.
Harry Gorman, for City Industrial Land Company.

SEAVEY, *Commissioner.*

OPINION.

This is an application of the Western Pacific Railroad Company requesting authority to construct a spur track crossing at grade Loomis street, Holladay avenue and San Bruno avenue and the tracks of the Market Street Railway Company on San Bruno avenue, all in the city and county of San Francisco. Public hearings on this matter were held in San Francisco on September 2 and September 15, 1925, at which the authorization of the crossing of San Bruno avenue at grade was protested by the California Highway Commission.

The spur track, which it is desired to construct, originates in the old Ocean Shore track in Loomis street (now operated by Western Pacific Railroad) and passes over private property between that street and San Bruno avenue, thence across this avenue and tracks of Market Street Railway thereon into the property which it is proposed to develop.

This property consists of approximately six acres of light industrial property lying immediately adjacent and west of San Bruno avenue and north of Cortland avenue. A portion of this area is fairly level and available for use with a small amount of grading but some of it lies on steep slopes of rock formation and will require heavy grading. There is at the present time one building on the westerly end of the property, the plant of the Quality Enameling Company, which has just been completed. The remainder of the property is vacant. Because of the contour of the ground and the irregular shape of the area suitable for industrial use, it is proposed to construct the spur track with gradients as great as 4 per cent and curvatures as sharp as of thirty degrees.

This property is classified as "light industrial" in the San Francisco zoning ordinance, and an inspection of the map filed as applicant's Exhibit No. 1, on which is shown in distinguishing colors the areas

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designated as light and heavy industrial districts, indicates that the greater portion of the territories classified as light industrial are those which are not readily accessible by spur tracks. It was represented that there is in San Francisco a shortage of industrial property but it appears that there are at present undeveloped several hundred acres suitable for industrial use in the immediate vicinity of this property, which can be reached by railroad trackage without grade crossings of arterial thoroughfares. The plea of public necessity for this grade crossing, therefore, has little merit.

San Bruno avenue is one of the two arterial streets connecting downtown San Francisco with the existing Bay Shore county road leading through South San Francisco to a connection with the main Peninsular highway at San Bruno. It carries a heavy traffic which is estimated at about 6000 vehicles per day, much of which is intercity traffic. In addition there are normally 320 street car movements a day on the Market Street Railway at this point. In the vicinity of the proposed crossing, this street and additional land on each side, a total width of 125 feet, was declared a state highway by the state legislature at its last session, and when improved as such will become a part of the so-called Bay Shore highway, which is now being constructed southward from South San Francisco and will eventually be extended on to San Jose, following in a general way the west shore line of San Francisco Bay.

While there appears to be a certain amount of hazard and inconvenience to the public offered by the installation of this spur track at grade across the existing San Bruno avenue, these factors are not nearly as objectionable as they will be when this street is straightened and widened and reconstructed as a part of the Bay Shore highway. If the establishment of a permanent grade crossing can be avoided and a temporary crossing installed with proper restrictions as to operation and use and ample protection provided, authorization of the crossing applied for may be justified.

It appears that it is feasible to avoid a grade crossing over the future Bay Shore highway and serve this property as adequately as proposed by the Western Pacific Railroad and also that tracks so constructed need not materially interfere with any development of the tract that may be undertaken under the present plan of improvement, and it therefore appears reasonable to grant the present crossing with the condition that it be abolished at such time as the Bay Shore highway is constructed.

The applicant contends that, to properly serve the industries to be located on this track, two switches per day will be required and that, due to uncertainties in the arriving time of trains and length of time

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required to load outgoing shipments, considerable latitude in the time of these switches should be permitted, even going so far as to state that a period of ten hours per day will be required. Considering that the one industry at present located on the tract has a potential business of ten carloads per month and that the ultimate development of the property is five industries handling one carload at a time, this limit appears excessive. A period of one hour between 12 noon and 1 p.m. is recommended by the city engineer as this is the hour of minimum vehicular traffic in industrial districts during the daylight hours. Night switching over important streets that carry a substantial amount of through traffic at high speeds is always very objectionable. One hour should be adequate time to handle the maximum switching that will be required and it appears reasonable to limit the use of the crossing to the hour suggested.

With these and other suitable restrictions, such as the installation of derails at proper points and the flagging of all movements over the crossing, it appears proper to authorize this grade crossing as a temporary measure, until the Bay Shore highway is actually constructed in this vicinity. There appears to be no important objection to the authorization of the other crossings proposed in this application.

ORDER.

The Western Pacific Railroad Company, a corporation, having made application to this Commission for authority to construct a spur track at grade across Loomis street, San Bruno avenue and Holladay avenue in the city and county of San Francisco, State of California, and across the tracks of Market Street Railway Company on said San Bruno avenue, all as hereinafter set forth, public hearings having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision;

It is hereby ordered, that permission and authority be and it is hereby granted to the Western Pacific Railroad Company to construct a spur track at grade across Loomis street, San Bruno avenue and Holladay avenue, in the city and county of San Francisco, State of California, as follows:

Beginning at a point in the center line of the existing track of the Western Pacific Railroad Company in Loomis street, distant thereon approximately 705 feet, measured northerly along said center line from the intersection thereof with the westerly line of said Loomis street; thence in a southerly direction with switch and turnout to the left approximately 140 feet; thence on a curve to the right approximately 335 feet, crossing the said track of the Western Pacific Railroad Company approximately 630 feet northerly of the northerly line of Waterloo street, and crossing the westerly line of said Loomis street at a point distant thereon approximately 560 feet northerly of the northerly line of said Waterloo street; thence on a tangent westerly approximately 225 feet, crossing the easterly line of San Bruno avenue, also the tracks of the Market Street Railway Company, approximately 580 feet northerly of the northerly line of said Waterloo street; thence in a westerly

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direction by curve to the left approximately 245 feet, crossing the westerly line of said San Bruno avenue at a point distant thereon approximately 460 feet northerly of the northerly line of Cortland avenue; thence by curve to the right approximately 325 feet, crossing the easterly line of Holladay avenue at a point approximately 170 feet northerly of the northerly line of said Cortland avenue, and the westerly line of said Holladay avenue approximately 155 feet northerly of the northerly line of Cortland avenue; thence by tangent in a westerly direction approximately 320 feet to the point of termination.

and as shown by the map (Exhibit "A") attached to the application, said crossings to be constructed subject to the following conditions, viz:

(1) The authority herein granted, in so far as it applies to the crossing of San Bruno avenue, shall lapse and become void upon the construction and opening to public use and travel of the Bay Shore highway to Redwood City, San Mateo County, California.

(2) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(3) Said temporary crossing of San Bruno avenue shall be constructed substantially in accordance with standard No. 4, as specified in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said avenue now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(4) The applicant shall file a plan and stipulation, which will meet with the approval of the Commission, showing the manner in which it will undertake and agree to provide track service to the property now proposed to be served, without a grade crossing of the Bay Shore highway, if and when said San Bruno avenue in this vicinity shall be reconstructed as a part of said Bay Shore highway, and no work of constructing the temporary crossing herein authorized shall be undertaken until said plan and stipulation has been approved by the Commission.

(5) Before using the said temporary crossing of San Bruno avenue for the passage of cars or engines, applicant shall install derails on the tracks herein proposed of a type and in a location approved by the Commission.

(6) No trains, engines, motors or cars shall be moved over or allowed to stand upon said temporary crossing of San Bruno avenue between the hours of 1 p.m. and 12 noon.

(7) No trains, engines, motors or cars shall be operated over said temporary crossing of San Bruno avenue without first having been brought to a stop and the traffic on the highway protected by a member of the train crew or other competent employee acting as a flagman.

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(8) This order is made upon the express condition that Loomis street and Holladay avenue are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of an opening of said street to public use across said railroad tracks.

It is hereby further ordered, that permission and authority be and it is hereby granted to the Western Pacific Railroad Company to construct a spur track at grade across the tracks of Market Street Railway Company within the city and county of San Francisco, State of California, at a point on San Bruno avenue approximately 550 feet north of Waterloo street; said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition, shall be borne by applicant.

(2) All trains, motors, engines and cars of applicant shall stop before crossing the tracks of Market Street Railway Company and shall not proceed thereover until the conductor or other competent employee has gone upon the crossing to ascertain that it is safe so to do and shall have given a suitable signal to proceed.

It is hereby further ordered, that

(1) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of the crossings herein authorized.

(2) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(3) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this ninth day of October, 1925.

DECISION NO. 15523.

IN THE MATTER OF THE INVESTIGATION BY THE COMMISSION, ON ITS OWN MOTION, INTO THE REASONABLENESS OF THE GAS

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RATES OF SAN JOAQUIN LIGHT AND POWER CORPORATION, IN THE CITIES OF SELMA, MERCED AND BAKERSFIELD.

Case No. 1803.

Decided October 9, 1925.

RATES—GAS—AUTOMATIC REDUCTION.—San Joaquin Light and Power Corporation directed to reduce gas rates in the cities of Selma, Merced and Bakersfield on the basis of a reduction in the price of fuel oil of 35 cents a barrel.

BY THE COMMISSION.

THIRD SUPPLEMENTAL ORDER.

Whereas, in Decision No. 11092 (22 C. R. C. 383), in the above entitled matter, this Commission provided with reference to schedules "A" and "C" of San Joaquin Light and Power Corporation that such rates would be subject to decrease upon approval of the Railroad Commission on the basis of 3 cents per thousand cubic feet for each 10 cents decrease in the cost of oil below the price of $1.97 per barrel f. o. b. Selma and $2 per barrel f. o. b. Merced; and,

Whereas, the San Joaquin Light and Power Corporation subsequently filed with this Commission schedule "D" effective on May 1, 1925, under Special Permit No. 250416–109–G, subject to increase or decrease of one and one-half cents per thousand cubic feet for each 10 cent increase or decrease in the cost of oil above or below the price of $1.40 f. o. b. Bakersfield, but in no instance less than 18 cents per thousand cubic feet; and,

Whereas, the San Joaquin Light and Power Corporation now makes affidavit that on September 22, 1925, the price paid for oil was decreased by 35 cents per barrel to $1.57 per barrel f. o. b. Selma, and $1.60 per barrel f. o. b. Merced and 15 cents per barrel to $1.25 per barrel f. o. b. Bakersfield;

It is hereby ordered, that San Joaquin Light and Power Corporation be and it is hereby authorized to decrease the rates designated as schedules "A," "C" and "D" effective for all regular meter readings taken on and after October 22, 1925, so that said rates designated as schedules "A" and "C" shall be twelve cents per thousand cubic feet less than the basic rates set forth in Decision No. 11092 on Case No. 1803, and schedule "D" shall be two cents less than the basic rate filed with this Commission under Special Permit No. 250416–109–G.

It is hereby further ordered, that San Joaquin Light and Power Corporation file with the Commission on or before October 20, 1925, revisions of its schedules as herein authorized.

Dated at San Francisco, California, this ninth day of October, 1925.

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DECISION NO. 15527.

CALIFORNIA FIREPROOF STORAGE COMPANY, A CORPORATION,

vs.

SOUTHERN CALIFORNIA TELEPHONE COMPANY, A CORPORATION.

Case No. 2175.

Decided October 9, 1925.

JURISDICTION—RATES—TELEPHONE UTILITY—DIRECTORY ADVERTISING.—Holding that the Commission has no jurisdiction, the Commission dismissed the complaint, which alleged that the rates for advertising in its directory, charged by Southern California Telephone Company, are excessive and unreasonable, and asking the Commission to fix reasonable rates.

BY THE COMMISSION.

ORDER OF DISMISSAL.

Whereas, California Fireproof Storage Company has filed a formal complaint against the Southern California Telephone Company, requesting this Commission to require the Southern California Telephone Company to accept from complainant and publish in the classified business section of its telephone directory certain advertising matter, at certain rates, and that said Southern California Telephone Company be ordered to charge and collect from complainant and other subscribers a certain rate for printing names in bold faced type in said telephone directory, and that defendant be required to refund to complainant all amounts in excess of the charge specified; and

Whereas, it appears that the action requested by complainant does not come within the jurisdiction of the Railroad Commission; now, therefore,

It is hereby ordered, that the complaint herein be and the same is hereby dismissed for lack of jurisdiction.

Dated at San Francisco, California, this ninth day of October, 1925.

DECISION NO. 15522.

IN THE MATTER OF THE INVESTIGATION OF THE GAS RATES, SERVICE AND OPERATIONS OF CENTRAL COUNTIES GAS COMPANY, ON THE COMMISSION'S OWN MOTION.

Case No. 1661.

Decided October 9, 1925.

RATES—GAS—AUTOMATIC ADJUSTMENT.—Central Counties Gas Company directed to reduce gas rates on the basis of a reduction of 36 cents a barrel in the cost of fuel oil.

BY THE COMMISSION.

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FIFTH SUPPLEMENTAL ORDER.

Whereas, Decision No. 9844 (20 C. R. C. 963) in the above entitled matter provided with reference to schedules "A" and "B" therein established, that said rates would be subject to increase or decrease upon approval of the Railroad Commission, on the basis of three (3) cents per thousand cubic feet for each ten (10) cents increase or decrease, respectively, in the price of oil above or below the price of $1.76 per barrel f. o. b. Visalia; and

Whereas, Central Counties Gas Company now makes affidavit that on September 22, 1925, the price paid for oil was decreased to $1.3978 which is thirty-six (36) cents less than the base price upon which rates were established in Decision No. 9844;

It is hereby ordered, that Central Counties Gas Company reduce its rates designated as schedules "A" and "B" effective for all regular meter readings taken on and after October 22, 1925, so that they shall be eleven (11) cents per thousand cubic feet less than those established in Decision No. 9844.

It is hereby further ordered, that Central Counties Gas Company file with this Commission on or before October 22, 1925, a revision of its schedules to correspond to the reductions herein ordered.

Dated at San Francisco, California, this ninth day of October, 1925.

DECISION NO. 15534.

WILLIAM J. TENCH

vs.

THE MENTONE WATER COMPANY.

Case No. 2073.

Decided October 15, 1925.

SERVICE—DISCONTINUANCE OF—WATER UTILITY.—The Commission denies the request to require defendant utility to restore service, which was discontinued until complainant pays for water appropriated from the mains of defendant.

RIGHT TO RELIEF.—For the Commission to assent to a complaint of this character would be violative of a fundamental principle of the law since it would permit a suitor to reap advantage from his own wrong.

H. W. Allen, for Complainant.
Earl D. Finch, for Defendant.

BY THE COMMISSION.

OPINION.

The complaint in this case alleges in effect that William J. Tench is the owner of certain residence property in the town of Mentone, San Bernardino County, heretofore served for a period of about one year

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with water for domestic purposes by defendant, The Mentone Water Company, a public utility; that said defendant has shut off this water supply, disconnected and removed the meter, and has refused the request of complainant to continue service to his property. It is further alleged that complainant has his own water system, but by reason of the low elevation of his reservoir, water served therefrom has not sufficient pressure to supply properly the second story of his house, which however can be adequately supplied by water from the system of defendant. The Commission is therefore requested to direct The Mentone Water Company to resume water service to complainant's premises.

By way of answer The Mentone Water Company, defendant herein, admits that it has served the premises of complainant with domestic water for a period of one year but alleges that said service was limited to one hydrant located in an exposed position; that complainant is engaged in the business of furnishing domestic water as a competitor of defendant and as such for the past twenty years has practically been supplying his premises with water for domestic use from his own plant, during which time he has made no demand upon defendant for service; and that furthermore complainant is still in a position to supply his premises with water from his own plant. The answer further alleges that defendant is justified in refusing further service to the said premises until complainant pays for the water already received.

A public hearing in this case was held on January 9, 1925, before Examiner Williams at Redlands, San Bernardino County, after all interested parties had been duly notified and given an opportunity to appear and be heard. The Commission being of the opinion that the evidence was insufficient for a proper determination of the case, on the thirteenth day of March, 1925, issued an order setting aside the submission and reopening the proceeding for further hearing and for the purpose of receiving additional testimony. This further hearing was held before Examiner Williams at Redlands on March 25, 1925.

The record shows that the defendant, The Mentone Water Company, is a public utility serving water for domestic and commercial purposes in the town of Mentone. The complainant, Tench, also operates a small public utility water system, which at the present time supplies about twenty consumers, including his own property. Both of these systems have a main or pipe line in the street in front of complainant's home, to which he demands service.

The evidence clearly establishes the fact that the complainant for a great number of years last past has supplied and can now without any difficulty adequately supply his entire home with water at reasonable pressure from his own system, when the water in his reservoir is maintained at the proper height. Complainant therefore does not depend

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upon The Mentone Water Company for his sole source of supply. For a period of about one year, and for the accommodation of a tenant, the defendant did supply water to a single outside yard hydrant located on the Tench property but not connected with the house plumbing. This service was disconnected when the tenant recently vacated the premises. Further service was refused, according to defendant, because Tench had been discovered several times taking water from its system by means of secret connections, one of which was connected to the Tench water system through the house plumbing and was used for supplying water to Tench's utility consumers. Defendant therefore declined to serve Tench himself for fear improper and unauthorized use would again be made of the water facilities of the defendant, The Mentone Water Company, which would be made available to Tench and his own water system through the medium of the service connection demanded.

Tench quite frankly admitted in his testimony that he had appropriated water from the defendant's system by means of secret connections for at least fifteen years for which no payment had ever been made, one of which connections was undiscovered by the company until 1923. This latter was a connection installed by Tench from The Mentone Water Company's main located in the street in front of his property to his home, from which it was extended beyond to his reservoir and the water so obtained used to supply consumers receiving water from his own utility system.

Tench claimed that he was justified in his actions by reason of the refusal of the Mentone Irrigation Company to deliver to him the water which he claimed he was entitled to receive from it, by reason of his ownership of certain water stock certificates issued by this company. The Mentone Irrigation Company, a corporation, serves water for irrigation purposes only and under stock certificates, but it also delivers water at wholesale to The Mentone Water Company, which distributes it to its consumers for domestic purposes as a public utility. While the officials of these two corporations are practically identical, the two companies are distinctly separate concerns. However, the evidence shows that the disagreement over the right of Tench to receive water under the above stock certificates was settled in his favor by arbitration in 1922, and yet in spite of this settlement Tench for almost a year thereafter still continued the unauthorized taking of water from The Mentone Water Company, a concern in no wise responsible for the acts and methods of operation of the Mentone Irrigation Company.

The evidence in this case is conclusive that for a period of many years, complainant has taken water from the mains of defendant, The Mentone Water Company, for which neither reimbursement nor any

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offer of settlement has ever been made. The standardized rules and regulations of the Railroad Commission governing the relations of public utility water companies with their consumers contain provisions permitting a utility to discontinue the service of water to any premises when such action is necessary in order to protect itself against fraud. While this particular rule was not specifically adopted and filed with the Railroad Commission as one of the official rules of this company, yet such adoption is not necessary in order that a utility may protect itself against persons committing fraudulent acts which are in themselves actionable at law. The taking of water from the mains of a utility without authority is an offense specifically covered by and punishable under the statutes of this state.

When one admitting the commission of such acts comes before the Commission as a suitor seeking justice by demanding service from a utility which for years he has secretly defrauded, he certainly does not appear with "clean hands." The inequity which deprives a party of a right to relief is not general iniquitous conduct unconnected with the cause of action, but evil practices or wrongdoing in the particular matter as to which judicial protection or redress is sought. (*Toledo Computing Scale Company* vs. *Scale Company*, 142 Fed. 919.) A party can not claim the interposition of the court for relief unless he will do what it is equitable should be done by him as a condition precedent to the relief sought. (*General Proprietors, etc.*, vs. *Force's Exr's.*, 72 N. J., Eq. 56.) "He who seeks equity must do equity."

For the Commission to assent to a complaint of this character would be violative of a fundamental principle of the law (Sec. 3517 C. C.) since it would permit a suitor to reap advantage from his own wrong. The Commission has no other recourse than to place its decision upon the principles set forth above, and therefore in view of all the facts is very definitely of the opinion that it should not require The Mentone Water Company against its will to serve the residence of William J. Tench with water for domestic purposes.

ORDER.

Complaint having been made as entitled above against The Mentone Water Company for refusal to furnish complainant with water for domestic purposes, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed in the premises;

It is hereby ordered, for the reasons set out in the preceding opinion that the request of William J. Tench that the Railroad Commission issue its order directing The Mentone Water Company to supply the

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premises of said William J. Tench with water, be and the same is hereby denied.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this fifteenth day of October, 1925.

DECISION No. 15540.

IN THE MATTER OF THE INVESTIGATION BY THE COMMISSION ON ITS OWN MOTION INTO THE ADEQUACY OF SERVICE, THE FACILITIES FOR SERVICE, AND THE REASONABLENESS OF THE RATES, RULES AND REGULATIONS GOVERNING GAS SERVICE OF SACRAMENTO GAS COMPANY IN LODI, CALIFORNIA.

Case No. 1733.

Decided October 21, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Rates of Sacramento Gas Company in Lodi reduced on the basis of a reduction of 15 cents per barrel in the price of fuel oil, f. o. b. Lodi; said reduction in rates effective October 22, 1925.

BY THE COMMISSION.

FOURTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 10600 (21 C. R. C. 851) in the above entitled matter, this Commission provided, with reference to the rates therein established, that such rates would be subject to increase or decrease, upon approval of the Railroad Commission, on the basis of 3.2 cents per 1000 cubic feet, for each ten-cent increase or decrease respectively in the cost of oil above or below the price of $1.91 per barrel; and

Whereas, Sacramento Gas Company now makes affidavit that on August 29, 1925, the price of oil was decreased from $1.736 per barrel to $1.586 per barrel, making the present price for oil 32.4 cents below the base price on which the rates were established in Decision No. 10600;

It is hereby ordered, that Sacramento Gas Company decrease its rates, designated as schedule "B," effective for all regular meter readings taken on and after October 1, 1925, so that said rates shall be equal to ten cents less than the basic rates on file with the Commission, as established in said Decision No. 10600.

It is hereby further ordered, that Sacramento Gas Company file with the Commission on or before October 26, 1925, a revision of its schedule as herein designated.

Dated at San Francisco, California, this twenty-first day of October, 1925.

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DECISION NO. 15542.

IN THE MATTER OF THE APPLICATION OF OAKDALE GAS COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING AN INCREASE IN RATES FOR GAS SERVICE.

Application No. 10800.

Decided October 21, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Rates of Oakdale Gas Company reduced on the basis of a reduction in the price of fuel oil, f. o. b. Oakdale, of 31½ cents per barrel; said reduction effective on meter readings on and after November 12, 1925.

BY THE COMMISSION.

FIRST SUPPLEMENTAL ORDER.

Whereas, the Railroad Commission by Decision No. 14883, dated May 7, 1925, established rates to be charged by the Oakdale Gas Company, and provided that such rates would be subject to increase or decrease on the basis of three (3) cents per thousand cubic feet of gas for each ten-cent increase or decrease, respectively, in the price of oil above or below $1.90 per barrel in Oakdale, and further provides that no increase shall be made after the price of oil, f. o. b. Oakdale, passes $2.40 per barrel; and

Whereas, Oakdale Gas Company now makes affidavit that on October 12, 1925, the price of oil was decreased from $1.90 per barrel to $1.585 per barrel, making the present price of oil 31.5 cents below the base price established in Decision No. 14883;

It is hereby ordered, that Oakdale Gas Company reduce its rates, designated as schedule No. 1, effective for all regular meter readings taken on and after November 12, 1925, so that said rates shall be equal to nine cents less than the basic rates on file with the Commission as established in Decision No. 14883.

It is further ordered, that Oakdale Gas Company file with this Commission on or before November 10, 1925, a revision of its schedules to comply with this order.

Dated at San Francisco, California, this twenty-first day of October, 1925.

DECISION NO. 15543.

IN THE MATTER OF THE APPLICATION OF MADERA GAS COMPANY FOR CHANGE IN BASIC RATE AND ESTABLISHMENT OF JUST AND REASONABLE RATES.

Application No. 10933.

Decided October 21, 1925.

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RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Rates of Madera Gas Company reduced on the basis of a reduction in the cost of fuel oil of 35 cents per barrel, f. o. b. Madera; said reduction of rates effective on meter readings on and after October 22, 1925.

BY THE COMMISSION.

SECOND SUPPLEMENTAL ORDER.

Whereas, in Decision No. 14943 and Supplemental Decision No. 15048 in the above entitled matter, this Commission provided, with reference to the rates therein established, that such rates would be subject to decrease, upon the approval of the Railroad Commission, on the basis of 2.9 cents per thousand cubic feet for each ten cents per barrel that the price of oil is less than $2.40 per barrel; and

Whereas, Madera Gas Company now makes affidavit that on September 22, 1925, the price of oil was reduced 35 cents per barrel to $1 50 per barrel in Madera, which is 90 cents below the base price upon which rates were established in Decisions Nos. 14943 and 15048;

It is hereby ordered, that Madera Gas Company reduce its rate designated as schedules "A" and "B," effective for all regular meter readings taken on and after October 22, 1925, so that said rate shall be 26 cents per thousand cubic feet less than the basic rates set forth in Decisions Nos. 14943 and 15048;

It is further ordered, that Madera Gas Company file with this Commission on or before October 26, 1925, a revision of its schedules to comply with this order.

Dated at San Francisco, California, this twenty-first day of October, 1925.

DECISION NO. 15544.

IN THE MATTER OF THE APPLICATION OF GREAT WESTERN POWER COMPANY OF CALIFORNIA FOR AUTHORITY TO ISSUE AND SELL ONE MILLION DOLLARS FACE AMOUNT OF SERIES "D" FIRST AND REFUNDING MORTGAGE BONDS AND FOUR MILLION DOLLARS FACE AMOUNT OF FIVE-YEAR, FIVE AND ONE-HALF PER CENT NOTES.

Application No. 11759.

Decided October 21, 1925.

SECURITIES—BONDS—NOTES—TO ISSUE.—Application to issue $1,000,000 of Series "D" first and refunding mortgage bonds, and $4,000,000 of unsecured notes, granted.

Guy C. Earl and *Chaffee E. Hall*, by *Chaffee E. Hall*, for Applicant.

DECOTO, *Commissioner.*

OPINION.

In this proceeding Great Western Power Company of California asks permission to issue and sell $1,000,000 of its Series "D" first and

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refunding mortgage bonds at not less than 95 per cent of face value, and $4,000,000 of unsecured notes at not less than 95.75 per cent of face value. The company also asks permission to use the proceeds to be obtained from the sale of the bonds and notes, together with the $1,387,500 heretofore obtained from the sale at 92.5 of the $1,500,000 of Series "D" bonds authorized by Decision No. 14541, to reimburse its treasury on account of moneys expended in reacquiring the company's Series "B" bonds and to provide for the payment at maturity on November 1, 1925, of the $4,177,600 of the ten-year 6 per cent debentures now outstanding.

As of March 1, 1919, applicant executed its first and refunding mortgage. The mortgage is of the "open-end" type. The bonds secured thereby are to be issued in series of such date, maturity not later than March 1, 1979, interest rate, redemption and conversion features and of such other provisions as may be determined at the time of issue. Heretofore the company issued $6,000,000 of Series "A" 6 per cent bonds due 1949, $8,500,000 of Series "B" 7 per cent bonds due 1950, $6,000,000 of Series "C" 6 per cent bonds due 1952 and $8,500,000 of Series "D" 5½ per cent bonds due 1955.

The company reports that prior to January 1, 1925, it reacquired $964,700 of the Series "B" bonds at a cost of $1,025,556.75 and on August 1, 1925, it redeemed the remaining $7,535,300 at a cost of $8,273,940 the total cost of reacquiring the $8,500,000 of Series "B" bonds being $9,299,496.75. Of this amount it is said that $6,978,900 was provided by the sale of bonds heretofore authorized by the Commission, leaving expenditures of $2,320,596.75 which applicant alleges have not been paid or provided through the issue of stock, bonds or other securities but were made with moneys in the treasury received from other sources.

In addition to these expenditures, it appears that applicant will be required to expend $4,177,600 in paying at maturity on November 1, 1925, the 6 per cent debentures now outstanding. Adding the $4,177,600 to the $2,320,596.75 results in a total of $6,498,196.75.

To provide in part this amount applicant now asks permission to issue and sell the $1,000,000 of Series "D" bonds and the $4,000,000 of notes. The bonds are identical to the Series "D" bonds now outstanding, are dated February 1, 1925, bear interest at 5½ per cent per annum, mature February 1, 1955, and are callable at a premium of one-eighth of one per cent for each year of the unexpired term.

The notes are a new issue. They will be unsecured, will be dated November 2, 1925, bear interest at 5½ per cent per annum, mature November 2, 1930, and be callable at a premium of one-fourth of one per cent for each year of the unexpired term.

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The record shows that applicant has made arrangements to sell the $1,000,000 of bonds at 95 and the $4,000,000 of notes at 95.75, or for a total of $4,780,000. In addition, it now has on hand $1,387,500 which it obtained from the sale, at 92½, of the $1,500,000 of Series "D" bonds authorized by Decision No. 14541, dated February 5, 1925, in Application No. 10786. The total proceeds on hand and to be received thus amount to $6,167,500. Deducting the $4,177,600 needed to retire the debentures, leaves a balance of $1,989,900 available for reimbursement. In this connection, James B. Black, applicant's vice president and general manager, testified that after reimbursement the proceeds would be used for construction purposes. The construction program of the company has been outlined in former proceedings.

I herewith submit the following form of order:

ORDER.

Great Western Power Company of California having applied to the Railroad Commission for permission to issue bonds and notes, a public hearing having been held, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue and sale is reasonably required by applicant for the purposes specified herein and that the expenditures are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Great Western Power Company of California be and it is hereby authorized to issue and sell at not less than 95 per cent of face value plus accrued interest, $1,000,000 of its series "D" first and refunding bonds, and at not less than 95.75 per cent of face value plus accrued interest, $4,000,000 of five-year 5½ per cent unsecured notes.

It is hereby further ordered, that Great Western Power Company of California be and it is hereby authorized to use the proceeds, other than accrued interest, to be received through the issue and sale of the bonds and notes herein authorized, together with the proceeds received from the sale of the $1,500,000 of Series "D" bonds authorized to be issued by Decision No. 14541, dated February 5, 1925, to pay at maturity the $4,177,600 of debentures and to reimburse its treasury on account of moneys expended in retiring its Series "B" first and refunding mortgage bonds; and Decision No. 14541, dated February 5, 1925, be and it is hereby modified so as to permit Great Western Power Company of California to use the proceeds from the sale of the Series "D" bonds authorized therein for the purposes mentioned. The accrued interest may be used for general corporate purposes.

The authority herein granted is subject to further conditions as follows:

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1. All proceeds used to reimburse applicant's treasury on account of moneys expended to retire Series "B" bonds shall be used to finance in part construction expenditures.

2. Applicant shall keep such record of the issue, sale and delivery of the bonds and notes herein authorized to be issued and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted to issue bonds and notes will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $1,082.50.

4. Under the authority herein granted no bonds or notes may be issued after December 31, 1925.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-first day of October, 1925.

DECISION NO. 15545.

IN THE MATTER OF THE APPLICATION OF CALIFORNIA TELEPHONE AND LIGHT COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING APPLICANT TO ISSUE, SELL AND DELIVER ITS FIRST MORTGAGE SIX PER CENT GOLD BONDS MATURING APRIL 1, 1943, TO THE FACE AMOUNT OF THREE HUNDRED FIFTY THOUSAND DOLLARS.

Application No. 11766.

Decided October 21, 1925.

SECURITIES—BONDS—TO ISSUE.—Application of California Telephone and Light Company for permission to issue and sell $350,000 of first mortgage 6 per cent gold bonds, granted.

C. P. Cutten, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled matter California Telephone and Light Company asks the Railroad Commission to make an order authorizing it to issue and sell, at not less than face value, $350,000 of its first mortgage bonds for the purpose of reimbursing its treasury on account of capital expenditures made prior to August 31, 1925.

The bonds are part of an authorized issue of $5,000,000. They are dated April 1, 1913, bear interest at 6 per cent per annum, mature April 1, 1943, and are callable at 107.5 per cent of face value plus

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accrued interest, on any interest payment date prior to maturity. Of the total amount, $200,000 are held alive in sinking funds of Pacific Gas and Electric Company, which company owns substantially all of its outstanding stock, and $730,600 are in the hands of the public and $45,400 have been retired and canceled.

The company now reports the necessity of issuing additional bonds to finance construction expenditures. In a former proceeding, Application No. 10092, the company reported its uncapitalized construction expenditures as of December 31, 1923, at $264,361.50, and the Commission, by Decision No. 13722, dated June 20, 1924, permitted the issue and sale of $200,000 of bonds on that account. Subsequently the bonds were sold for $205,000, so that the amount of uncapitalized expenditures at the close of 1923 was reduced to $59,361.50.

The present application shows that during the period from January 1, 1924, to August 31, 1925, the company expended $412,256.10 for the acquisition of property and for the construction, completion, extension and improvement of its telephone and electric plants and facilities, as shown in some detail in Exhibit "D" filed in this matter. Adding the $412,256.10 to the $59,361.50 results in a total of $471,617.60, which is said to represent the uncapitalized construction expenditures as of August 31, 1925, and against which applicant now asks permission to issue the $350,000 of bonds.

The testimony of A. F. Hockenbeamer, applicant's vice president, indicates that a substantial portion of these expenditures has been financed with moneys advanced by Pacific Gas and Electric Company, the total of such advances, as of August 31, 1925, aggregating $428,619.67. The order herein will authorize the issue and sale of the bonds but will provide that the proceeds be used to pay indebtedness incurred in making additions and betterments.

ORDER.

California Telephone and Light Company having applied to the Railroad Commission for permission to issue and sell bonds, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue and sale is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that California Telephone and Light Company be and it is hereby authorized to issue and sell on or before December 31, 1925, at not less than face value plus accrued interest $350,000 of its first mortgage 6 per cent gold bonds due April 1, 1943, and to use

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the proceeds, other than accrued interest, to pay indebtedness incurred for the construction expenditures referred to in the foregoing opinion. The accrued interest may be used for general corporate purposes.

The authority herein granted is subject to the following conditions:

1. California Telephone and Light Company shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $350.

Dated at San Francisco, California, this twenty-first day of October, 1925.

DECISION NO. 15546.

IN THE MATTER OF THE APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION, FOR AUTHORITY TO ISSUE AND SELL ONE HUNDRED THOUSAND (100,000) SHARES OF ITS SIX PER CENT PREFERRED STOCK, SERIES "B."

Application No. 11802.

Decided October 21, 1925.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Application of Southern California Edison Company for permission to issue and sell $10,000,000, par value, of Series "B" 6 per cent cumulative preferred stock, granted.

R. V. Reppy, for Applicant.

BY THE COMMISSION.

OPINION.

Southern California Edison Company in this application asks permission to issue and sell 100,000 shares of its Series "B" 6 per cent cumulative preferred stock of the aggregate par value of $10,000,000.

The record shows that applicant has an authorized capital stock of $250,000,000 divided into 2,500,000 shares of the par value of $100 each. The various classes of stock and the amount of each class outstanding on August 31, 1925, are reported as follows:

Class	Authorized	Outstanding
Original preferred	$4,000,000 00	$4,000,000 00
Series "A" 7% preferred	60,000,000 00	24,592,600 00
Series "B" 6% preferred	40,000,000 00	17,231,200 00
Series "C" 5% preferred	21,000,000 00	
Common	125,000,000 00	53,532,700 00
Totals	$250,000,000 00	$99,356,500 00

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Of the common stock $10,836,628 is reported held by Pacific Light and Power Corporation and controlled by applicant, leaving $42,696,072 outstanding in the hands of the public.

In addition to the amounts shown in the foregoing tabulation, the company reports that $2,913,100 of preferred and $4,900,400 of common stock have been subscribed but not issued, making a total of $107,170,000 of stock. For a statement of the terms of preference of the stock, reference is made to Decision No. 13395, dated April 10, 1924, in Application No. 9942 (Volume 24, Opinions and Orders of the Railroad Commission of California, page 763).

In making the present request to issue an additional $10,000,000 of Series "B" stock, the company asks to be allowed to sell it at not less than $96 a share and to use not exceeding $3 per share of stock sold to pay commissions and selling expenses. It further asks permission to consolidate the remaining proceeds with the proceeds received, or to be received, from the sale of stock covered by former decisions of the Commission, and to use such consolidated proceeds to reimburse itself for capital expenditures made and to provide the cost of expenditures to be hereafter made for the construction, completion, extension and improvement of its facilities.

The company reports uncapitalized construction expenditures as of August 31, 1925, at $5,286,788.56, estimated construction expenditures for the remaining four months of the year at $7,741,600 and estimated expenditures for 1926 at $32,558,000, the three items aggregating $45,586,388.56.

Comment has been made on the 1925 expenditures in other decisions. The 1926 expenditures are reported to consist of the following general items:

Big Creek construction	$5,925,000 00
220,000 volt transmission	5,033,000 00
Steam unit, 50,000 kilowatts at Long Beach	5,000,000 00
Lands and rights of way for future steam plant and transmission lines; also for changing rights of way to fee ownership on Big Creek and Long Beach to Laguna Bell lines	3,000,000 00
Miscellaneous system betterments	13,600,000 00
Total	$32,558,000 00

The expenditures are described in more detail in the summary of the 1926 budget filed in this proceeding as Exhibit "8."

Former orders of the Commission have permitted the company to use stock proceeds to finance the cost of construction work heretofore made and to be made during 1925 as described in schedules filed with the Commission, the 1925 expenditures, on account of which the Commission has authorized the use of stock money, having been described in the company's annual budget. It is now reported that the company

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has been compelled to make expenditures during 1925 of $527,050.08 for purposes not included in its budget. It therefore at this time asks the Commission to make an order permitting the use of stock proceeds to finance in part these expenditures of $527,050.08, which are described in Exhibit "7," and to finance in part the expenditures of $45,586,388.56 referred to.

We believe the company's requests should be granted, subject to certain conditions, and an appropriate order accordingly will be entered.

ORDER.

Southern California Edison Company having applied to the Railroad Commission for permission to issue and sell $10,000,000 of its Series "B" 6 per cent preferred stock, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue and sale is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Southern California Edison Company be and it hereby is authorized to issue on or before October 15, 1926, 100,000 shares of its Series "B" 6 per cent cumulative preferred stock of the aggregate par value of $10,000,000.

It is hereby further ordered, that Southern California Edison Company be and it hereby is authorized to sell said $10,000,000 of stock at not less than $96 a share and to use an amount not exceeding $3 per share of stock sold to pay commissions and other expenses incident to the sale of said stock and to combine the remaining proceeds and such portions of the $3 not needed to pay commissions and other expenses incident to the sale of said stock with the proceeds received, or to be received, from the issue and sale of the stock heretofore authorized to be issued by former orders of the Commission.

It is hereby further ordered, that Southern California Edison Company be and it hereby is authorized to use the proceeds received and to be received from the issue and sale of the stock herein authorized, and authorized by former orders, to finance in part the cost of the uncapitalized expenditures as of August 31, 1925, of $5,286,788.56, reported in applicant's Exhibit No. "5"; the expenditures of $527,050.08, reported in applicant's Exhibit No. "7" and not included in applicant's 1925 budget; the estimated expenditures of $7,741,600, for the last four months of 1925 reported in applicant's Exhibit No. "6," and the estimated expenditures of $32,558,000 reported in applicant's Exhibit No. "8" for the year 1926; provided that only such expendi-

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tures as are properly chargeable to fixed capital accounts as defined by the uniform systems of accounts prescribed or adopted by the Railroad Commission may be financed with such proceeds.

It is hereby further ordered, that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this twenty-first day of October, 1925.

Decision No. 15556.

IN THE MATTER OF THE APPLICATION OF RIVER BEND GAS AND WATER COMPANY TO MAINTAIN PRESENT SCHEDULE OF GAS RATES.

Application No. 11797.

Decided October 21, 1925.

RATES—GAS UTILITY.—River Bend Gas and Water Company authorized to continue present rates in effect until it has recovered the loss incurred in absorbing increase in price of oil without corresponding increase in gas rates.

Chaffee E. Hall, for Applicant.
A. E. Nelson, for City of Kingsburg and Kingsburg Chamber of Commerce.
Harold Harris, for City of Reedley and Reedley Chamber of Commerce.

BY THE COMMISSION.

OPINION.

In this proceeding the River Bend Gas and Water Company, a corporation, engaged in operating an artificial gas plant in Dinuba, Tulare County, and distributing gas in and in the vicinity of Dinuba, Reedley, Kingsburg and Parlier, has applied for authority to continue in effect the present schedule of gas rates fixed, pursuant to the Commission's Decision No. 11095, in Case No. 1806, dated October 9, 1922 (22, C. R. C. 391), until it will be reimbursed for a loss in revenue resulting from the operation of Decision No. 14595, a supplemental order in the same proceeding, dated February 24, 1925.

In Decision No. 11095 it was provided that rates for gas should vary with the price paid for oil, a change of three cents per thousand cubic feet in the rate for gas corresponding to a change of ten cents per barrel in the price of oil, but that the rate for gas should not be increased above that corresponding to oil at $1.65 per barrel f. o. b. Dinuba. On February 4, 1925, the price of oil advanced to $1.80 per barrel and

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applicant was consequently compelled to absorb a difference of 15 cents per barrel on oil or four cents per thousand cubic feet in the rate for gas. On September 22, 1925, the price of oil was reduced to $1.45 per barrel and under the provisions of Decision No. 11095 the rate for gas would automatically be reduced six cents per thousand cubic feet. Applicant prays that this reduction be postponed until it shall have recouped the loss incurred during the above mentioned period and also that Decision No. 11095 be modified so that the basic rates shall be subject to increase or decrease at the rate of three cents per thousand cubic feet for each increase or decrease of ten cents per barrel in the cost of oil above or below $1.65 per barrel f. o. b. Dinuba.

A public hearing was held before Examiner Austin at Dinuba on October 19, 1925, when evidence was offered, the matter was duly submitted and it is now ready for decision.

From the evidence offered in support of the application, it appears that between February and October, 1925, inclusive, applicant was obliged to pay for oil used in manufacturing gas a price of $1.80 per barrel f. o. b. Dinuba, but during this period the rates were adjusted on the basis of a cost of $1.65 per barrel, pursuant to Decision No. 11095, which fixed this a basic cost. As a result, during this time, applicant was obliged to absorb the difference of 15 cents per barrel, which is equivalent to four cents per thousand cubic feet of gas.

During previous years, applicant's consumers have normally increased in number at the rate of 10 per cent per annum, but during the year ending August 31, 1925, it has lost 13 per cent of its consumers. Between February and September, 1925, applicant's earnings were insufficient to meet the payment of the interest on its outstanding bonds, this deficit amounting approximately to $5,000. Between 1916 and 1924, inclusive, applicant has received a low rate of return, excepting only the year 1922, where the return was normal. Applicant's president testified that the company could not long continue operating under such adverse conditions and pointed out that, although the grape and fruit growers in the territory served by applicant were now enjoying higher prices for their products, nevertheless this increased prosperity will not be reflected in applicant's earnings for a substantial period.

The granting of this application was protested by the cities of Kingsburg and Reedley and their respective chambers of commerce. Protestant, city of Kingsburg, through its city attorney, pointed out that in 1915, when applicant's predecessor received its franchise from that city, the price of oil was proportionately higher in relation to the gas rates than under the existing rates established pursuant to Decision No. 11095. However, protestant apparently has not considered any possible change in other circumstances affecting appli-

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cant's operations, such as fluctuations or variations in the cost of labor and materials. All of these circumstances were fully considered in our Decision No. 11095, when we established applicant's basic rate. Moreover, they are beyond the scope of the issues presented in the instant application.

In our judgment the application should be granted. Applicant's losses, incurred since February, 1925, due to its absorption of the difference of 15 cents per barrel in the cost of oil, amount approximately to $800. It will recoup this sum in about five months if permitted to continue in effect its present schedule of rates. Accordingly, applicant will be permitted to continue these rates in effect until March, 1926, and thereafter the rates will be determined in accordance with the provisions of Decision No. 11095.

We are also of the opinion that Decision No. 11095 should be modified so as to permit of an advance in the rates when the cost of oil exceeds $1.65 per barrel at Dinuba.

An order will be entered accordingly.

ORDER.

River Bend Gas and Water Company, a corporation, having made application to the Railroad Commission for a continuance of the present schedule of gas rates and for a modification of Decision No. 11095, a public hearing having been held, and the matter having been duly submitted:

The Railroad Commission of the State of California hereby finds as a fact that the River Bend Gas and Water Company, a corporation, has suffered financial loss as a result of the rates established in Decision No. 14595, which was rendered in accordance with the provisions of Decision No. 11095, and that the provisions of said Decision No. 11095 are not just and reasonable in that the rates prescribed thereunder are not permitted to be increased above the basic rates when the cost of oil exceeds $1.65 f. o. b. Dinuba.

It is hereby ordered, that River Bend Gas and Water Company, a corporation, be and it is hereby authorized to continue in effect and to charge and collect the present schedule of rates which are the basic rates established under Decision No. 11095, as modified by Decision No. 14595, until the regular meter reading date in February, 1926, provided, however, that should there be in the meantime any change in the price of oil, the Commission may make such alteration or modification of this order as in its judgment it may deem proper and necessary; and

It is hereby further ordered, that Decision No. 11095, dated October 9, 1922, in Case No. 1806, be and the same is hereby modified so as to

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provide with reference to schedule "A" of River Bend Gas and Water Company that such rates over four hundred (400) cubic feet shall be subject to increase or decrease, upon approval of the Commission, on the basis of three (3) cents per thousand (1000) cubic feet of gas for each ten (10) cent increase or decrease in the price of oil above or below the price of $1.65 per barrel f. o. b. Dinuba, provided, no further increase in such rates shall be made after the cost of oil to applicant exceeds $2.15 per barrel f. o. b. Dinuba; and

It is hereby further ordered, that said River Bend Gas and Water Company, unless this order be sooner modified, shall file with the Commission on or before March 1, 1926, and establish and maintain a revised schedule of rates based upon an oil price of $1.45 per barrel f. o. b. Dinuba and which said rates shall be six (6) cents per thousand (1000) cubic feet lower than the basic rates established under said Decision No. 11095, said reduced rates to become effective on and after the regular meter reading date in February, 1926.

Dated at San Francisco, California, this twenty-first day of October, 1925.

DECISION NO. 15564.

IN THE MATTER OF THE APPLICATION OF COMMERCIAL LAND COMPANY, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A GAS DISTRIBUTING SYSTEM AND A WATER DISTRIBUTING SYSTEM AT TUPMAN, KERN COUNTY, CALIFORNIA.

Application No. 11724.

Decided October 23, 1925.

CERTIFICATE—GAS AND WATER UTILITY—RATES.—Commercial Land Company authorized to operate as a public utility supplying gas and water to consumers in and near Tupman, Kern County. Rates established for such service.

Thomas W. McManus and *James Petrini*, for Applicants.
F. C. Grace, in propria persona.
Thomas S. Laird, for certain consumers.
A. L. Clearcland, for Midway Gas Company.

BY THE COMMISSION.

OPINION.

In the above entitled application the Commercial Land Company requests authority to operate a public utility for the purpose of supplying gas and water to consumers residing in and in the vicinity of Tupman, Kern County, California.

A public hearing in this matter was held in Bakersfield before Examiner Williams, after all interested parties had been duly notified and given an opportunity to be present and be heard.

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The testimony and records of the Commission show that F. C. Grace now operates a public utility water system and gas distributing system, supplying water and gas to consumers in and in the vicinity of Tupman. A certificate of public convenience and necessity for such service has never been applied for nor obtained by him from this Commission, though rates, rules and regulations under which he operates were accepted for filing by the Commission on July 24, 1924.

The testimony shows that Grace, through improper manipulation of government funds, has been confined in the government penitentiary at Leavenworth and is not out on parole. During the period of his confinement, the utility business was operated by J. W. O'Dell, whose authority was a bill of sale of the physical property from Grace for a consideration of $3,000. On his admission to parole, Grace returned to Tupman, July 16, 1925, repudiated this bill of sale and took possession of the property and resumed operations. At that time there was pending before this Commission an application for a certificate of public convenience and necessity (Application No. 11178) filed by O'Dell. This application was subsequently dismissed on O'Dell's request October 1, 1925.

The record is full and clear that neither Grace nor O'Dell have been able to supply adequate and efficient service in the past; that neither can be expected to do so in the future; that the pumps and mains have not been paid for by Grace; that many judgments are outstanding against him and several others have been executed, and consumers required to pay their water and gas bills to the Sheriff of Kern County to satisfy in part such judgments; that Grace owes approximately $900 to the Midway Gas Company for gas used by the utility which amount, according to his own testimony, he can not pay; that considerable money will have to be spent in the near future to place the water system in condition to give an adequate supply of water to the consumers, which money Grace is likewise unable to secure; that he has mortgaged his plant to other parties without the consent of the Railroad Commission and used the money so obtained largely for purposes other than utility business and that in addition to being unable to finance his utility business he is also wholly incapable of maintaining satisfactory relations with the public.

Applicant in this proceeding owns the land upon which pumping plant and storage tank are located, as evidenced by its Exhibits Nos. 2, 3, 4 and 5, though this ownership is disputed by Grace. Applicant also owns many other lots in the townsite of Tupman and is vitally interested in its growth and development. It proposes to purchase the present gas and water system used and useful providing a reasonable price can be obtained or, if not, to install a separate system that will be

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capable of supplying adequate service to all consumers. Applicant is prepared to expend approximately $3,500 toward a new and adequate system and consumers to the number of forty (40) prefer service from applicant.

Grace claims that the parties holding mortgages upon this utility will finance the necessary improvements but this statement can not be considered as their only interest is in the mortgages they hold and they consequently can not be relied upon to further the utility's interests beyond the extent of regaining the moneys they have loaned.

The recital of these facts goes to show that F. C. Grace is not and has not heretofore been financially able to operate a public utility supplying gas and water to the inhabitants of the townsite of Tupman and that applicant is a responsible corporation interested in the development of the townsite of Tupman and financially able to install and operate gas and water distribution systems that will adequately supply the needs of the people.

It appears therefore that public convenience and necessity require that the application be granted.

ORDER.

Commercial Land Company, having made application as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed therein:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require that Commercial Land Company operate a public utility for the purpose of supplying gas and water for domestic use to consumers located in and in the vicinity of Tupman, Kern County, California.

It is hereby ordered, that Commercial Land Company be and it is hereby directed to file with this Commission on or before twenty (20) days from the date of this order, the following schedule of rates effective for all gas and water delivered to consumers subsequent to November 1, 1925.

Gas Rates.

Minimum monthly charge	$2 50
For all gas used per 1000 cubic feet per meter per month	1 00

WATER RATES.

Flat Rate per Month.

For domestic use dwellings where water is used for garden irrigation from 3:30 p.m. to 6:30 p.m. only	$3 00
Where water is used for garden irrigation outside of the hours specified above	6 00
Stores	5 00
Gas and oil stations	3 00
Apartment houses per apartment	2 25

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It is hereby further ordered, that Commercial Land Company be and is hereby directed to file with this Commission within thirty (30) days from the date of this order, rules and regulations to govern relations with its consumers, such rules and regulations to become effective upon acceptance by the Commission.

The authority above granted is conditioned upon the filing by applicant within thirty (30) days from the date of this order a stipulation setting forth the cost of the franchises under which it is permitted to operate and agreeing that neither it nor its successors and assigns will ever claim before the Railroad Commission of the State of California, or any court or other public body having jurisdiction, a value in excess of the amount actually paid therefor.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this twenty-third day of October, 1925.

DECISION No. 15572.

IN THE MATTER OF THE APPLICATION OF COAST VALLEYS GAS AND ELECTRIC COMPANY, A CORPORATION, TO ISSUE AND SELL SERIES "B" SEVEN PER CENT CUMULATIVE PREFERRED STOCK OF THE PAR VALUE OF ONE MILLION DOLLARS.

Application No. 11803.

Decided October 27, 1925.

SECURITIES—PREFERRED STOCK—TO ISSSUE AND SELL.—Application to issue and sell $1,000,000 of Series "B" seven per cent cumulative preferred stock, granted.

Cummins, Roemer and Flynn; Chickering and Gregory, by *W. C. Fox,* for Applicant.

BY THE COMMISSION.

OPINION.

Coast Valleys Gas and Electric Company asks permission to issue 10,000 shares of its Series "B" 7 per cent cumulative preferred stock of the aggregate par value of $1,000,000.

The company has an authorized capital stock of $6,000,000, divided into $500,000 of Series "A" preferred stock, $2,500,000 of Series "B" preferred stock and $3,000,000 of common stock. The Series "A" stock bears cumulative dividends at the rate of 6 per cent per annum and the Series "B" stock at the rate of 7 per cent per annum. Both series are preferred, both as to dividends and assets. The holders of the Series "A" stock have the privilege of converting it into Series "B" stock by surrendering the certificates representing shares of Series "A" stock and paying the company $14 for each share and receiving in exchange one share of the Series "B" stock for each share

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of Series "A" stock surrendered. Any Series "A" stock surrendered will not thereafter be reissued.

As of August 31, 1925, the company reports outstanding $3,000,000 of common stock, $435,000 of Series "A" stock and $449,700 of Series "B" stock. In now asking permission to issue an additional $1,000,000 of Series "B" stock, the company also asks for authority to sell it at not less than $98 a share and to use not exceeding $6 per share of stock sold to pay commissions and selling expenses, and to use the remaining proceeds to reimburse its treasury and to finance the cost of additional properties. In this connection it reports its unreimbursed expenditures as of August 31, 1925, at $709,401.35, and its estimated expenditures for the remaining four months of the year at $302,509.21, and for 1926 at $760,606.

The unreimbursed balance of $709,401.35 is based on a former application, No. 10344, wherein it was reported that prior to June 30, 1924, the company had retired $104,000 of bonds and had expended $243,289.09 for construction purposes, for which it had not been reimbursed through the issue of securities. It is now reported in this proceeding that from June 30, 1924, to August 31, 1925, the company retired $26,000 of its bonds and expended $891,054.69 net, for additions and betterments, the four items aggregating $1,264,343.78. From this amount there is deducted as shown in some detail in applicant's revised Exhibit "E," the sum of $554,942.45, representing proceeds received or to be received from the stock authorized by the order in Application No. 10344 and the increase in the depreciation reserve during the period, leaving the balance of $709,401.33.

It appears, however, that applicant has included in its construction expenditures the sum of $29,056.35 representing the purchase price of the electric distributing system located in the town of Gonzales acquired from Nestle's Food Company, Inc., of California, together with incidental costs thereto. The Commission has held, and has accordingly advised the company, that of this amount only $19,918 is properly chargeable to fixed capital accounts and that the remaining $9,138.35 should be eliminated from such accounts. This adjustment was not made in the company's books until the month of September and so is not reflected in this application which sets forth the capital expenditures only up to August 31st. Making the deduction, there is left the sum of $700,262.98. This expenditure has been temporarily financed through loans represented by current liabilities and by the use of earnings offset by the depreciation reserve and surplus.

The expenditures of $302,509.21, to be made during the last four months of 1925, are set forth in some detail in applicant's Exhibit "C", and are said to represent the unexpended balances of the authorizations

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contained in the company's 1925 budget. The estimated expenditures of $760,606 for 1926 are described in applicant's Exhibit "D", which is a copy of the tentative budget for the year, and include the following items:

Electric steam plants	$3,000 00
Electric transmission	80,056 00
Electric substations	222,550 00
Electric distribution	250,000 00
Electric street lighting	5,000 00
Gas plants	2,000 00
Gas distribution	72,000 00
Water pumping plants and storage	20,000 00
Water distribution	32,500 00
Transportation	6,000 00
Office and miscellaneous buildings	63,500 00
Office equipment	3,000 00
Miscellaneous tools and instruments	1,000 00
	$760,606 00

Adding the figures representing unreimbursed expenditures as of August 31st, as adjusted, and estimated expenditures for the last four months of 1925 and the twelve months of 1926, there is obtained the sum of $1,763,378.19 representing the amount which applicant now seeks to capitalize in part through the issue of the $1,000,000 of stock herein requested.

ORDER.

Coast Valleys Gas and Electric Company, having applied to the Railroad Commission for permission to issue and sell $1,000,000 of its Series "B" preferred stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue and sale of stock is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that Coast Valleys Gas and Electric Company be and it is hereby authorized to issue and sell on or before December 31, 1926, $1,000,000 of its Series "B" 7 per cent preferred stock.

The authority herein granted is subject to the following conditions:

1. Applicant shall sell its stock at not less than 98 per cent of par value. It may use of the proceeds an amount not exceeding six dollars ($6) per share of stock sold to pay commissions and expenses incident to the sale thereof, and may use the remaining proceeds, and such portion of the six dollars ($6) not needed to pay commissions and expenses incident to the sale, to pay indebtedness and reimburse its treasury on account of the expenditures of $700,262.98 made prior to August 31, 1925, and referred to in the company's revised Exhibit "E", and to

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finance in part the cost of the estimated expenditures of $302,509.21 to be made during the last four months of 1925, and the estimated expenditures of $760,606 to be made during the year 1926, provided that only such expenditures as are properly chargeable to capital accounts, as defined by the classifications of accounts prescribed by this Commission may be financed with such proceeds.

2. Applicant shall file as soon as available a copy of its 1926 construction budget.

3. Applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

4. The authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this twenty-seventh day of October, 1925.

DECISION No. 15573.

IN THE MATTER OF THE APPLICATION OF WESTERN WAREHOUSE AND TRANSFER COMPANY FOR AN ORDER AUTHORIZING THE ISSUE AND SALE OF STOCK.

Application No. 11757.

Decided October 27, 1925.

SECURITIES—STOCK—TO ISSUE.—Application to issue $125,000 par value, of common capital stock and to assume payment of indebtedness of not exceeding $95,800, granted.

Dana R. Weller by *C. F. Culver*, for Applicant.

BY THE COMMISSION.

OPINION.

Western Warehouse and Transfer Company, in this application as amended at the hearing, asks the Railroad Commission to make an order authorizing it to issue $125,000 par value of common stock and assume the payment of indebtedness in the amount of $95,800.

Applicant has an authorized stock issue of $125,000 divided into 1250 shares of the par value of $100. It is of record that applicant is engaged in the conduct of a warehouse and transfer business and particularly in the storage and hauling of flour, sugar, cereals and other foods in sacks in and about the city of Los Angeles. Applicant's president, George F. Schneider, has been engaged in the warehouse business for the past four years and in the transfer business the past

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eight years. The Western Warehouse and Transfer Company asks permission to issue to George F. Schneider $30,000 of stock in payment for his warehouse and transfer properties and business. The properties are described in applicant's Exhibit "A", as follows:

Cash in bank	$1,304 48
Cash on hand	1 48
Accounts receivable	5,059 42
Furniture and fixtures	486 13
Equipment	2,892 16
Land and building	2,800 00
Auto trucks	14,486 05
Goodwill	2,970 28
Total	$30,000 00

The Western Warehouse and Transfer Company also proposes to purchase a newly constructed warehouse situate on the following real property:

That portion of lot three (3), Tract two hundred seven (207), as per map recorded in book 13, page 168 of maps, records of Los Angeles County, California, described as

Commencing at the southeasterly corner of said lot 3, thence north 7 degrees 01' 04" west 194.61 feet, thence south 70 degrees 28' 56" west 202.55 feet, to the true point of beginning;

Thence south 70 degrees 28' 56" west 224.93 feet, thence north 19 degrees 33' 16" west 110 feet, thence north 70 degrees 28' 56" east 225 feet, thence south 19 degrees 31' 04" east 110 feet, to said point of beginning.

It has agreed to pay for the land and building $118,800, of which sum $23,000 has already been paid by George F. Schneider and W. J. Maxey, incorporators of applicant. They have agreed to accept at par in payment for the money advanced by them for the benefits of the corporation $23,000 of the corporation's common capital stock. The balance of the purchase price is represented by a mortgage of $48,000 to the Pacific Southwest Trust and Savings Bank payable three years after July 10, 1925, with interest at 7 per cent per annum payable quarterly and by a trust deed to The Austin Securities Company, dated July 10, 1925, securing the payment of $47,800, payable in installments of $943 per month, which includes interest at the rate of 7 per cent per annum on the unpaid balance of the principal. It is estimated that the monthly payments will retire the trust deed in five years. The Western Warehouse and Transfer Company asks permission to assume the payment of the debt secured by the mortgage and the debt secured by the trust deed.

Applicant further asks permission to issue and sell at par $72,000 of its common stock. It is of record that approximately $47,800 of the proceeds will be used to pay part of the indebtedness assumed and $24,200 will be used to acquire additional warehouse and transfer equipment and provide applicant with necessary working capital.

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ORDER.

Western Warehouse and Transfer Company having applied to the Railroad Commission for permission to issue $125,000 of stock and assume the payment of $95,800 of indebtedness, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of stock and the assumption of the indebtedness is reasonably required by applicant and that this application should be granted as herein provided; therefore,

It is hereby ordered, that the Western Warehouse and Transfer Company be and it hereby is authorized to issue at not less than par $125,000 par value of its common capital stock and assume the payment of the indebtedness of not exceeding $95,800 referred to in this application.

The authority herein granted is subject to the following conditions:

1. Of the stock herein authorized to be issued $30,000 shall be delivered to George F. Schneider in full payment for the properties and assets described in Exhibit "A" attached to the petition.

2. Of the stock herein authorized to be issued $23,000 may be delivered to George F. Schneider and W. J. Maxey to reimburse them for the $23,000 expended in part payment of the warehouse properties which applicant intends to acquire.

3. The proceeds obtained from the sale of the remaining $72,000 shall be used to pay indebtedness, acquire additional equipment necessary to conduct applicant's warehouse and transfer business and provide applicant with working capital.

4. Applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

5. The authority herein granted to issue stock or assume the payment of indebtedness will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $96.

Dated at San Francisco, California, this twenty-seventh day of October, 1925.

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DECISION No. 15581.

IN THE MATTER OF THE INVESTIGATION BY THE COMMISSION ON ITS OWN MOTION INTO THE REASONABLENESS OF THE RATES OF THE TURLOCK GAS COMPANY.

Case No. 1804.

Decided October 29, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Due to decrease in price of fuel oil of six cents per barrel, gas rates reduced two cents per 1000 cubic feet.

BY THE COMMISSION.

SECOND SUPPLEMENTAL ORDER.

Whereas, in Decision 11093 (22 C. R. C. 385) in the above entitled matter, this Commission provided with reference to schedules Nos. 1 and 2 of Turlock Gas Company that such rates would be subject to decrease, upon approval of the Railroad Commission, on the basis of 2.7 cents per 1000 cubic feet for each 10-cent decrease in the cost of oil below the price of $1.65 per barrel f. o. b. Turlock; and

Whereas, Turlock Gas Company now makes affidavit that on September 28, 1925, the price of oil was decreased to $1 per barrel f. o. b. Seguro, which is equivalent to $1.59 per barrel f. o. b. Turlock, making the present price of oil 6 cents below the base price on which the rates were established in Decision No. 11093;

It is hereby ordered, that Turlock Gas Company decrease its rates designated as schedules Nos. 1 and 2, effective for all regular meter readings taken on and after November 1, 1925, so that said rates shall be equal to two cents less than the basic rates on file with the Commission, as established in said Decision No. 11093.

It is hereby further ordeed, that Turlock Gas Company file with the Commission on or before November 1, 1925, a revision of its schedules as herein designated.

Dated at San Francisco, California, this twenty-ninth day of October, 1925.

DECISION No. 15584.

IN THE MATTER OF THE APPLICATION OF SACRAMENTO NORTHERN RAILROAD, A CORPORATION, AND SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA, (1) AUTHORIZING SAID SACRAMENTO NORTHERN RAILROAD TO SELL AN UNDIVIDED ONE-THIRD (1/3) INTEREST IN ITS UNION RAILROAD PASSENGER STATION IN THE CITY OF SACRAMENTO, TO SAID SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY, (2) AUTHORIZING SAID SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY TO EXECUTE AND DELIVER TO SACRAMENTO NORTHERN RAILROAD TWO PROMISSORY NOTES FOR A PORTION OF THE PURCHASE PRICE OF SAID UNION RAIL-

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ROAD PASSENGER STATION, AND TO SECURE THE SAME BY A PURCHASE MONEY MORTGAGE ON ITS ONE-THIRD (1/3) INTEREST IN SUCH UNION RAILROAD PASSENGER STATION TO SACRAMENTO NORTHERN RAILROAD, AND TO ASSUME LIABILITY WITH RESPECT TO CERTAIN SECURITIES, AND (3) AUTHORIZING SACRAMENTO NORTHERN RAILROAD TO PERMIT SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY TO USE JOINTLY WITH IT CERTAIN OF ITS TRACKS IN THE CITY OF SACRAMENTO.

Application No. 11636.

Decided October 29, 1925.

TRANSFER—UNION STATION—ELECTRIC RAILROAD—NOTES—TO ISSUE.—Sacramento Northern Railroad and San Francisco-Sacramento Railroad authorized to carry out the terms of an agreement whereby the latter will purchase a one-third interest in union passenger station at Sacramento, and will assume the payment of notes issued in payment therefor.

BY THE COMMISSION.

FIRST SUPPLEMENTAL OPINION.

In the original petition filed in the above entitled matter on August 26, 1925, as amended at the public hearing held on September 18th before Examiner Fankhauser, the Railroad Commission was asked to authorize:

1. Sacramento Northern Railroad to exercise the rights and privileges granted by Ordinance No. 140, fourth series, of the city of Sacramento.

2. Sacramento Northern Railroad to transfer to San Francisco-Sacramento Railroad Company an undivided one-third interest in its union railroad passenger station, tracks, overhead and appurtenances in the city of Sacramento.

3. Sacramento Northern Railroad and San Francisco-Sacramento Railroad Company to jointly use the portions of the tracks of Sacramento Northern Railroad on M, Eighth and I streets in the city of Sacramento, referred to in that certain agreement dated December 26, 1924.

4. Sacramento Northern Railroad and San Francisco-Sacramento Railroad Company to assume the payment of $90,000 representing the balance due on the land purchased on which to construct said union railroad passenger station.

5. San Francisco-Sacramento Railroad Company to issue notes to pay in part for the undivided one-third interest in the said union railroad passenger station, tracks, overhead and appurtenances and to execute a purchase money mortgage to secure the payment of such notes.

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6. Sacramento Northern Railroad and San Francisco-Sacramento Railroad Company to carry out and execute the provisions of the agreement filed in this proceeding and marked Exhibit "A."

On September 18, 1925, the Commission made its opinion and order, No. 15410, in this matter. Because applicants were not in a position to advise the Commission definitely of the cost of the station and the amount of notes to be issued by San Francisco-Sacramento Railroad Company, the authority was limited to declaring that public convenience and necessity require and will require the exercise by Sacramento Northern Railroad of the rights and privileges granted to it by Ordinance No. 140, fourth series, of the city of Sacramento, and authorizing the two companies to carry out the terms and provisions of the agreement, dated December 26, 1924, and marked Exhibit "A", in so far as the terms and provisions of said agreement relate to the joint operation and use of the union passenger railroad station, tracks, overhead, structures and provisions. The opinion recites that when applicants have advised the Commission in writing of the exact cost of the station and appurtenances and the face value and dates of the notes to be issued, it would consider the entry of a further order in this proceeding.

On October 28, 1925, applicants filed a supplemental petition in the above entitled matter in which they reported the total cost of the land, station, tracks, overhead and structures and the proportion chargeable to the San Francisco-Sacramento Railroad Company as follows:

	Total cost	Proportion chargeable to San Francisco-Sacramento Railroad Company
Total cost of land	$104,195 08	$34,731 70
Total cost of union station building, etc.	85,438 77	28,479 58
Cost of tracks, overhead and appurtenances	87,749 67	29,249 89
Total actual cost	$277,383 52	$92,461 17

Of the total of $92,461.17 to be paid by San Francisco-Sacramento Railroad Company, $20,000 is to be paid in cash, $30,000 by assumption of the payment of one-third of the existing mortgage or deed of trust, now a lien on the properties, and the balance by two promissory notes. The payment of the two notes will be secured by a purchase money mortgage, a copy of which was filed in this proceeding as Exhibit "2." Both notes will be dated October 30, 1925, and one will be of the face value of $29,249.89, payable in twenty-five equal annual installments, with interest at 6 per cent per annum, and the other for $13,211.28, payable ten years after date, with interest at 6 per cent per annum. The first note is equal to one-third of the cost of the tracks, overhead and appurtenances, and the second is equal to one-third of

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the cost of the land, and one-third of the cost of the station building less $20,000, the amount of the cash payment, and $30,000 assumed on account of the existing mortgage. The existing mortgage is for $90,000 and was originally executed between Bisbee Investment Company and Fred W. Kiesel and A. B. Carter and California Trust and Savings Bank.

There has been filed with the supplemental petition a copy of Ordinance No. 181, fourth series, of the city of Sacramento, granted to San Francisco-Sacramento Railroad Company permitting the operation over certain streets in connection with the use of the union station, subject to the terms and conditions set forth in the ordinance. The Commission is asked to authorize the company to exercise the rights and privileges granted by the ordinance.

FIRST SUPPLEMENTAL ORDER.

Application having been made to the Railroad Commission for a further order in this proceeding, as indicated in the foregoing supplemental opinion, and the Commission being of the opinion that a further hearing is unnecessary, and that the supplemental application should be granted as herein provided; therefore,

It is hereby ordered, that Sacramento Northern Railroad be and it hereby is authorized to transfer to San Francisco-Sacramento Railroad Company an undivided one-third interest in its union railroad passenger station, tracks, overhead, structures and appurtenances in the city of Sacramento, referred to in this proceeding, for the total purchase price of one-third of the cost to Sacramento Northern Railroad of said union railroad passenger station, tracks, overhead, structures and appurtenances.

It is hereby further ordered, that San Francisco-Sacramento Railroad Company be and it hereby is authorized to purchase from Sacramento Northern Railroad an undivided one-third interest in said properties and to pay therefor a purchase price equal to one-third of the total cost to Sacramento Northern Railroad of such properties, and in carrying out the provisions of the agreement, dated December 26, 1924, between the two companies to assume the payment of one-third of the note for $90,000 secured by mortgage or trust deed on the land on which the station is erected, including all interest thereon from October 1, 1924, and to pay in cash on account of such purchase price $20,000 and to execute and deliver to Sacramento Northern Railroad two promissory notes, each dated October 30, 1925, substantially in the form set forth in the purchase money mortgage, a copy of which is filed as Exhibit "2"; one note to be in the face amount of $29,249.89, payable in twenty-five equal annual installments, the first installment to be made one year from date of the note, with interest at 6 per cent per

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annum; and the other note to be in the face amount of $13,211.28, payable on or before ten years after date of issue, with interest at not exceeding 6 per cent per annum, and to execute and deliver to Sacramento Northern Railroad a purchase money mortgage on its undivided one-third interest it is herein authorized to acquire, such purchase money mortgage to be dated October 30, 1925, and to secure the payment of said notes.

It is hereby further ordered, that San Francisco-Sacramento Railroad Company and Sacramento Northern Railroad be and they hereby are authorized to assume the payment of the $90,000 note which is secured by a mortgage or deed of trust on the land on which the union passenger station is erected, which mortgage or deed of trust is hereby approved.

It is hereby further ordered, that Sacramento Northern Railroad and San Francisco-Sacramento Railroad Company be and they hereby are authorized to carry out and execute the provisions of the agreement, dated December 26, 1924, filed in this proceeding as Exhibit "A" and use jointly the portion of the tracks of Sacramento Northern Railroad on M, Eighth and I streets in the city of Sacramento, shown in red on said Exhibit "A."

It is hereby further ordered, that the order in Decision No. 15410, dated September 18, 1925, shall remain in full force and effect.

The Railroad Commission of the State of California hereby declares that present and future public convenience and necessity require and will require San Francisco-Sacramento Railroad Company to exercise the rights and privileges granted to it by Ordinance No. 181, fourth series, of the city of Sacramento.

The authority herein granted is subject to the following conditions:

1. The authority herein granted to San Francisco-Sacramento Railroad Company to execute a purchase money mortgage, and the approval of the mortgage or trust deed securing the $90,000 note is for the purpose of this proceeding only, and is granted only in so far as this Commission has jurisdiction under the Public Utilities Act and is not intended as an approval of such purchase money mortgage, or mortgage or deed of trust as to such other legal requirements to which said instruments may be subject.

2. The price at which Sacramento Northern Railroad is herein authorized to transfer the undivided one-third interest shall not be urged before this Commission or any other court or public body having jurisdiction as a measure of value, for such properties for any purpose other than this transfer.

3. Applicants shall keep such record of the issue, sale and assumption of the notes herein authorized and of the disposition of the pro-

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ceeds as will enable them to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

4. The authority herein granted shall become effective when applicants have paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $133.

Dated at San Francisco, California, this twenty-ninth day of October, 1925.

DECISION No. 15590:

IN THE MATTER OF THE APPLICATION OF THE CENTRAL MENDOCINO COUNTY POWER COMPANY FOR AN ORDER AUTHORIZING THE ISSUANCE OF TWENTY-FIVE THOUSAND SHARES OF COMMON STOCK AND THIRTY THOUSAND DOLLARS IN SHORT-TERM NOTES.

Application No. 11804.

Decided October 31, 1925.

SECURITIES—STOCK AND NOTES TO ISSUE.—Central Mendocino County Power Company authorized to issue and sell $25,000 of common capital stock, and $30,000 of notes for the purpose of refunding outstanding notes.

Edward Morris, for Applicant.

BY THE COMMISSION.

OPINION.

In this application Central Mendocino County Power Company asks permission to issue 25,000 shares of its common stock of the aggregate par value of $25,000, and $30,000 of short-term 5 per cent notes.

Central Mendocino County Power Company was organized on or about March 20, 1922, primarily for the purpose of acquiring and operating public utility electric and water systems in and about the town of Willits. To this end it purchased the electric distributing system formerly owned by Northwestern Redwood Company; the water system formerly owned by Willits Water and Power Company; constructed a 22,000-volt transmission line to Potter Valley, a distance of fifteen miles, to connect with the lines of Snow Mountain Water and Power Company, from whom the electric energy is purchased, and constructed a dam at Dutch Flat, near Willits, in order to develop and insure an adequate supply of water. In this connection reference is made to Decision No. 11542, dated January 23, 1923, and Decision No. 11543, of the same date. (Vol. 22, Opinions and Orders of the Railroad Commission of California at pages 933 and 938 respectively.)

Applicant reports, in this proceeding, that up to August 31, 1925, it has expended $336,154.23 in constructing and acquiring its properties

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and in making additions and betterments. The general segregation of this amount, together with the other asset accounts and the liability accounts, is shown in the balance sheet of the company as of August 31, 1925, as follows:

Fixed capital—	*Asset Accounts.*	
Organization	$10,380 44	
Franchises and nonoperative lands	12,449 60	
Electric operative property	93,245 06	
Water operative property	213,804 55	
General property	6,274 58	
Total fixed capital		$336,154 23
Sinking fund assets		4,096 89
Cash		6,203 29
Notes and accounts receivable		7,659 43
Materials and supplies		864 64
Prepayments		1,998 51
Unamortized discount on stock		16,073 67
Unamortized discount on bonds		15,862 45
Total asset accounts		$388,913 11
	Liability Accounts.	
Capital stock		$166,182 00
Funded debt		131,500 00
Notes payable		35,435 00
Accounts payable		33,193 07
Accruals		4,795 27
Consumers deposits and service charges		1,058 22
Reserve for depreciation		7,060 54
Surplus		9,689 01
Total liability accounts		$388,913 11

The foregoing balance sheet shows outstanding against the properties $166,182 of stock, $131,500 of bonds, and $35,435 of notes; a total of $333,117 of securities. It appears, however, that the bonds and stock were issued at discounts, the total unamortized balance as of the date of the balance sheet being $31,936.12. Deducting this amount from the $333,117 leaves a balance of $301,180.88, which in turn, deducted from the total reported expenditures for fixed capital amounting to $336,154.23, leaves a balance of $34,973.35, which was obtained from sources other than securities.

The application and the testimony herein indicate that the cost of the company's properties was financed in part through open account indebtedness which, as of August 31st, amounted to $33,193.07. It appears to be applicant's intention to liquidate this amount and for this purpose it reports that it has on hand $6,203.29 in cash, $8,818 of preferred stock unsold, and $4,000 of bonds unsold, which stock and bonds have heretofore been authorized by the Commission, the three items aggregating $19,021.29 and leaving a balance of about $14,000 not provided.

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Applicant now asks permission to issue $25,000 of common stock and to sell such stock at 80, a price netting it $20,000. Of this amount it proposes to use approximately $14,000 to provide the balance necessary to liquidate the indebtedness and to use the remaining proceeds of $6,000 to provide working capital and to pay for miscellaneous routine additions and betterments to be made during the coming year.

In addition, applicant asks permission to issue $30,000 of three-year 5 per cent notes for refunding purposes. In this connection it reports outstanding notes of $35,435, which include the following:

Payee	Maturity	Interest	Amount
H. B. Muir	August 7, 1926	5%	$10,000 00
G. Van Cleemput	August 7, 1926	5%	10,000 00
Northwestern Redwood Company	August 7, 1926	5%	10,000 00
Bank of Willits	November 6, 1925	6%	5,435 00
Total			$35,435 00

It appears that the three notes for $10,000 originally were issued in August, 1924, for one year, but were renewed upon maturing in 1925, for one year more, the renewal inadvertently being done without an order from the Commission. The company therefore now asks permission to issue notes for $30,000 in lieu of those now outstanding. Although the request contained in the application covers the issue of three-year notes, it is the company's intention to issue at first, one-year notes maturing August 7, 1926, and thereafter to renew them, if necessary, for a further period of two years. The order herein will authorize the issue of three-year notes but will provide that such notes may be issued for less than three years and renewed from time to time without further order from the Commission, provided that the terms of the notes to be issued at first, plus the renewals thereof, do not exceed a period of three years from August 8, 1925. This will permit the company to renew the notes on August 7, 1926, without the necessity of again coming before the Commission at that time. The remaining note for $5,435 will be paid on maturity.

ORDER.

Central Mendocino County Power Company having applied to the Railroad Commission for permission to issue and sell $25,000 of its common stock and $30,000 of notes, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue and sale is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income,

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It is hereby ordered, that Central Mendocino County Power Company be and it is hereby authorized to issue and sell, on or before June 30, 1926, at not less than 80 per cent of par value, $25 000 of its common capital stock and to use approximately $14,000 of the proceeds to pay outstanding indebtedness incurred in the construction and acquisition of properties, and approximately $6,000 to provide itself with working capital and to finance the cost of additions and betterments;

It is hereby ordered, that Central Mendocino County Power Company be and it is hereby authorized to issue $30,000 of notes payable on or before three years after date, with interest at not exceeding 5 per cent per annum, for the purpose of refunding the three outstanding notes for $10,000 each, to which reference is made in the foregoing opinion.

The authority herein granted is subject to the following conditions:

1. Applicant may, if it so desires, issue the notes for less than three years and renew them from time to time, provided that the terms of the notes originally issued and of those issued in renewal thereof, do not extend beyond three years from August 8, 1925.

2. The authority herein granted to issue stock shall become effective upon the date hereof. The authority granted to issue notes shall become effective only when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $30.

3. Central Mendocino County Power Company shall keep such record of the issue, sale and delivery of the stock and notes herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this thirty-first day of October, 1925.

DECISION NO. 15591.

IN THE MATTER OF THE APPLICATION OF IRA JONES, SOLE OWNER OF THE ELK GROVE WATER WORKS, FOR CHANGE IN RATES.

Application No. 11229.

Decided October 31, 1925.

RATES—WATER UTILITY—TO INCREASE.—Fair rates established.

Ira Jones, owner, for Applicant.

BY THE COMMISSION.

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OPINION.

Ira Jones, sole owner of the Elk Grove Water Works, applicant herein, is a public utility water company engaged in the business of furnishing water for domestic and commercial purposes in the town of Elk Grove, Sacramento County, California.

Applicant alleges in effect that the rates now charged do not produce sufficient revenue to yield a fair return upon the investment in the property, over and above the costs of operation, maintenance and depreciation. Applicant asks that this Commission make its order authorizing applicant to maintain the present rate of $1.50 per month for household use, and allow the collection of an additional charge of $1 per month for six months of each year for all lots up to 80 by 160 feet in size on which water is used for irrigating lawns, vines, trees, vegetable or flower gardens.

A public hearing in this proceeding was held before Examiner Satterwhite at Elk Grove, Sacramento County, after all interested parties had been duly notified and given an opportunity to appear and be heard.

The water supply is pumped from one twelve-inch well, by an electrically-driven deep-well pump, which elevates the water into a 50,000-gallon hemispherical bottom steel tank, supported by steel towers, from which the water is distributed by gravity to the consumers through approximately 17,395 feet of mains ranging from 1 inch to 6 inches in diameter. There are at present 143 consumers served by this system, all but four of whom are served under the flat rate schedule.

The schedule of rates now in effect is as follows:

	Rates.	
Flat—		
All private residences with a regular size lot that is not over 80′ x 160′	$1	25 per month
With extra charge for irrigating of, in summer, from, $0.50 to		75 per month
or the year round	1	50 per month
Meter—		
Minimum for 1,000 gallons	1	25 per month
Over 1,000 gallons		20 per 1,000 gals.
For industrial plants that use 1,000,000 gallons or more per month		05 per 1,000 gals.

At the hearing applicant requested that his application be amended so as to request the Railroad Commission to fix whatever schedule of rates appears just and reasonable under the circumstances.

D. H. Harroun, one of the Commission's hydraulic engineers, presented a report covering a field investigation and appraisal of the physical properties of the utility, together with a study of maintenance and operation expenses. There were no objections to this report at the hearing, and no engineering data or operating studies were presented

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by applicant other than such matters as were set out in the application.

An analysis of the report of the Commission's engineers indicates that the revenue received from the present rates does not result in a fair return to applicant, and further, that the increase in rates as proposed by applicant is reasonable and is also acceptable to his consumers. In fact, the present rates of this utility are lower than the rates in effect and found reasonable by this Commission under similar conditions of service elsewhere.

It appears that the meter rate as now established, although not used except in a few cases, should be so adjusted as to be in harmony with the flat rate and in form similar to those found reasonable for service on similar systems. The schedule of rates established in the following order is designed to produce annually a sum sufficient to meet operating expenses, replacement annuity, and to yield to applicant a fair return on his investment.

ORDER.

Ira Jones, owner of the Elk Grove Water Works, having made application to the Railroad Commission as entitled above, a public hearing having been held thereon, and the matter having been submitted:

It is hereby found as a fact that the rates now charged by Ira Jones, owner of the Elk Grove Water Works, for water supplied to his consumers are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the service rendered; and basing its order on the foregoing finding of fact and on the further statements of fact contained in the opinion which precedes this order;

It is hereby ordered, by the Railroad Commission of the State of California that Ira Jones, owner of Elk Grove Water Works, be and he is hereby authorized to file with this Commission within twenty (20) days from the date of this order the following rates to be charged for all service rendered subsequent to October 31, 1925:

Flat Rates.	Per month
Private residences	$1 50
Commercial or industrial enterprises	1 50
For irrigation of each lot measuring 80 x 160 feet or less, for each month irrigated, but not to exceed six months per year	1 00

Measured Rates.	
Minimum Monthly Charges—	
⅝ and ¾-inch meter	1 50
1-inch meter	3 00
1½-inch meter	6 00
2-inch meter	7 50
3-inch meter	12 00

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Each of the foregoing "minimum monthly charges" will entitle the consumer to the quantity of water which that minimum will purchase at the "monthly meter rates" set out as follows:

Monthly Meter Rates—

From 0 to 500 cubic feet, per 100 cubic feet	$0 30
From 500 to 1,500 cubic feet, per 100 cubic feet	25
All over 1,500 cubic feet, per 100 cubic feet	15

It is hereby further ordered, that Ira Jones, owner of the Elk Grove Water Works, file with this Commission for its approval within thirty (30) days from the date of this order, rules and regulations to govern its relations with its consumers.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this thirty-first day of October, 1925.

DECISION NO. 15594.

THE LOS ANGELES LUMBER PRODUCTS COMPANY

vs.

SOUTHERN PACIFIC COMPANY.

Case No. 1951.

MADERA SUGAR PINE COMPANY; SUGAR PINE LUMBER COMPANY; YOSEMITE LUMBER COMPANY

vs.

MINARETS AND WESTERN RAILWAY COMPANY; SOUTHERN PACIFIC COMPANY; YOSEMITE VALLEY RAILROAD COMPANY.

Case No. 1973.

Decided November 2, 1925.

RATES—STEAM RAILROAD—LUMBER.—Rehearing denied, but further reductions ordered in the rates from San Pedro to Niland, Brawley, El Centro, Calexico and Colorado (California).

SEAVEY, BRUNDIGE, SQUIRES, *Commissioners.*

ORDER DENYING PETITION FOR VACATION OF ORDER.

On petitions for vacation of order and for the granting of oral argument by complainants, the Los Angeles Lumber Products Company in Case No. 1951, and Madera Sugar Pine Company and Sugar Pine Lumber Company in Case No. 1973, these proceedings were reopened for the presentation of oral argument on the question of vacation of order. This oral argument was heard August 24, 1925, and October 15, 1925.

Now, upon further consideration of Decision No. 14732, April 1, 1925, and of the record in the above entitled proceedings and of the

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petitions of the interested parties presented by them in the oral argument on vacation of the order;

It is hereby ordered, that the said order of April 1, 1925, be and it is hereby amended by changing the rates as shown on page 30 of the typewritten copy and reading from San Pedro to Niland, from 29 cents to 27 cents; to Brawley from 33 cents to 29 cents; to El Centro from 33 cents to 29 cents; to Calexico from 33 cents to 29 cents, and to Colorado from 35 cents to 31 cents.

It is hereby further ordered, that the effective date of Decision No. 14732, originally June 15, 1925, and which by fourth supplemental order issued October 21, 1925, was extended to December 31, 1925, is hereby further amended making the effective date of the decision and order December 15, 1925.

It is hereby further ordered, that in all other respects the said order of April 1, 1925, in Decision No. 14732, remain in full force and effect.

It is hereby further ordered, that the said petitions for vacation of order be and they are hereby denied.

Dated at San Francisco, California, this second day of November, 1925.

DECISION No. 15597.

IN THE MATTER OF THE APPLICATION OF SKIDMORE BROS. CORPORATION FOR AN ORDER AUTHORIZING THE ISSUANCE OF A NOTE AND MORTGAGE FOR TWENTY THOUSAND DOLLARS.

Application No. 11681.

Decided November 6, 1925.

SECURITIES—NOTES—TO ISSUE.—Skidmore Bros. Corporation having requested permission to issue a note for $20,000, payable in one year, with interest at 10 per cent, the Commission authorized issuance of said note, with interest at 8 per cent, holding that the higher note is not justified when the corporation appears able to obtain its money on a more favorable basis.

Joseph W. Skidmore, for Applicant.

BY THE COMMISSION.

OPINION.

In this application, as amended at the public hearing held before Examiner Williams, the Railroad Commission is asked to make an order authorizing Skidmore Bros. Corporation to execute a mortgage and to issue to Interstate Finance Company a note for $20,000 payable one year after date with interest at 10 per cent, interest payable in advance, and to issue to E. I. Crook two 8 per cent notes in the principal amount of $428.53 each, one payable fourteen months after date and the other seventeen months after date.

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Skidmore Bros. Corporation is engaged, among other things, in operating a public utility water system, known as the Laguna Heights Water System, for the distribution of water for domestic use among the inhabitants of Laguna Beach, Orange County. It serves about 850 consumers and has reported its public utility revenues and expenses as follows:

Item	Year ending December 31, 1923	Year ending December 31, 1924	Year ending July 31, 1925
Operating revenues	$5,124 78	$12,299 34	$11,797 56
Operating expenses	26,164 61	40,033 09	24,098 62
Balance	$21,039 83	$27,733 75	$12,301 06
Depreciation	3,880 40	12,716 09	12,660 43
Loss for period	$24,919 23	$40,449 84	$24,961 49

The assets and liabilities of the water system as of July 31, 1925, are reported in Exhibit "C" attached to the application as follows:

Assets Accounts.	
Plant account	$127,935 06
Franchises and water rights	1,200 00
Material and supplies	559 12
Accounts receivable	63 11
Prepayments	1,608 72
Total asset accounts	$131,366 01
Liability Accounts.	
Notes payable	$25,991 79
Contract payable	202 50
Accounts payable	6,854 36
Accruals	1,256 31
Prepaid revenues	7,097 31
Reserve for depreciation	23,405 81
Investment	66,557 93
Total liability accounts	$131,366 01

From Exhibit "D," it appears that a great portion of the note indebtedness is overdue. Applicant reports that it proposes to discharge $22,972.64 of its outstanding notes and accounts payable, as shown in Exhibit "A," which are said to have been incurred in acquiring additional properties and in making repairs and replacements and in otherwise maintaining and improving the facilities and service. Subject to the approval of the Commission it plans to obtain $18,000 of the required amount through the issue of the $20,000 note covered by this application and to provide the balance out of the general corporate funds. It reports that it has made arrangements with Interstate Finance Company, of Santa Ana, to issue to it its one-year note for $20,000 with interest at 10 per cent payable in advance, the indebtedness to be secured by a first mortgage on its water properties. A copy of the proposed mortgage is filed as Exhibit "G."

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In addition to the water properties and business, applicant is the owner and operator of a machine shop and factory in Santa Ana, known as the Simon & Skidmore Manufacturing Company, and a real estate business in and about Laguna Beach, the bulk of its operation being of a nonpublic utility nature. It appears, however, that the company has endeavored to keep its different operations separate, so far as possible, and the proposed loan, if authorized, will be used to refund indebtedness incurred by the water business and will be secured by a mortgage lien on the water properties only. Mr. Joseph W. Skidmore, applicant's president, testified, in support of the request to issue a 10 per cent note, that he had been unable to secure such a loan on a more favorable basis.

The record shows that the proposed mortgage and note will be executed by Skidmore Bros. Corporation and by Joe W. Skidmore and Flora Belle Skidmore, and Catherine Brooks and Guy E. Skidmore, the company's stockholders. While a lien on the water properties only, it thus appears that the $20,000 note is an obligation of the corporation and therefore payment on account thereof need not necessarily be made out of the revenues of the water business alone, as the earnings and moneys of the makers of the note, regardless of their source, will be available for such use. In fact the testimony of Mr. Skidmore clearly shows that the principal, when due, would necessarily be paid out of the corporation's general funds, as there seems to be little possibility of the earnings of the water system increasing to a point where they will be sufficient for this purpose.

The testimony herein also indicates that the corporation has been able to borrow money, in connection with its other operations, on a basis more favorable than that proposed for the note covered by this application. We do not believe, therefore, that we are justified in authorizing the issue of a note bearing interest at 10 per cent when it appears that the corporation, as a whole, is able to obtain its money on a more favorable basis. Accordingly the order herein will authorize the issue of a note bearing interest at not exceeding 8 per cent per annum.

The application was amended at the hearing to include an additional request to issue two notes to E. I. Crook for $428.53 each. It appears that on May 21, 1925, the corporation issued several notes to E. I. Crook in payment for a Best "30" tractor unit used by the company in connection with its water business and also with its other operations. The notes mature in three months intervals, one of them becoming due fourteen months after date and one seventeen months after date. Both notes, inadvertently, were issued without an order from the Commission. In view of the provisions of the Public Utilities Act

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which requires an order from the Commission authorizing the issue of notes payable more than one year after date, some doubt was raised as to the validity of these notes. To remove this doubt the request was made covering the issue of the two notes.

ORDER.

Skidmore Bros. Corporation having applied to the Railroad Commission for permission to issue a one-year 10 per cent $20,000 note and to execute a mortgage, a public hearing having been held, and the Commission being of the opinion that applicant should be permitted to issue a one-year 8 per cent $20,000 note and that the issue of such note is reasonably required by applicant;

It is hereby ordered, that Skidmore Bros. Corporation be and it is hereby authorized to execute a mortgage substantially in the same form as that filed in this proceeding as Exhibit "G," and to issue its promissory note, secured by such mortgage, in the face amount of $20,000, payable not more than one year after date with interest at not exceeding 8 per cent per annum for the purpose of paying in part the indebtedness set forth in Exhibit "A."

It is hereby further ordered, that Skidmore Bros. Corporation be and it hereby is authorized to issue to E. I. Crook, two 8 per cent notes for $428.53 each, one payable fourteen months after date and one seventeen months after date in part payment for the Best "30" tractor unit.

The authority herein granted is subject to the following conditions:

1. The authority herein granted to execute a mortgage is for the purpose of this proceeding only, and is granted only in so far as this Commission has jurisdiction under the Public Utilities Act and is not intended as an approval of such mortgage as to such other legal requirements to which said mortgage may be subject.

2. Applicant shall keep such record of the issue and delivery of the note herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted will become effective when applicant has paid the minimum fee prescribed by section 57 of the Public Utilities Act, which fee is twenty-five dollars ($25). Under such authority no notes may be issued after March 31, 1926.

Dated at San Francisco, California, this sixth day of November, 1925.

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DECISION No. 15601.

IN THE MATTER OF THE APPLICATION OF SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE CERTAIN FRANCHISE RIGHTS IN THE CITIES OF FILLMORE, SANTA PAULA, CULVER CITY, NEWPORT BEACH AND SEAL BEACH, UNDER FRANCHISES GRANTED TO, AND APPLIED FOR, BY APPLICANT.

Application No. 11341.

Decided November 7, 1925.

CERTIFICATE—GAS UTILITY—PIPE LINES.—Southern Counties Gas Company authorized to exercise franchise rights in cities of Fillmore, Santa Paula, Culver City, Newport Beach and Seal Beach.

LeRoy M. Edwards and *A. F. Bridge*, for Applicant.
John F. Imel, City Attorney, for Culver City.

BY THE COMMISSION.

OPINION.

This is an application by Southern Counties Gas Company of California for an order declaring that public convenience and necessity require the exercise by it of the rights and privileges of franchises granted and to be granted by the board of trustees of Fillmore, Santa Paula, Culver City, Newport Beach and Seal Beach.

Public hearing was held September 4, 1925, in the city of Los Angeles, at which time testimony was introduced and the matter submitted for decision.

It appears that on April 7, 1925, the city of Fillmore awarded applicant a fifty-year franchise (Ordinance No. 82), to operate and maintain pipe lines throughout the city of Fillmore. Copy of said franchise is attached to Application No. 11341, being marked Exhibit "B." Applicant has to date rendered service under the franchise granted by Ordinance No. 47, the legality of which franchise is questioned in that certain requirements stipulated in said franchise were not complied with by applicant.

On May 4, 1925, the city of Santa Paula awarded applicant a fifty-year franchise, by Ordinance No. 126, to operate and maintain pipe lines throughout the city of Santa Paula. Copy of said franchise is attached to Application No. 11341, being marked Exhibit "A." Applicant has to date rendered service in the city of Santa Paula, pursuant to a constitutional franchise exercised by applicant's predecessors in interest.

On June 15, 1925, the city of Culver City awarded applicant a fifty-year franchise, by Ordinance No. 155, to lay and maintain gas pipes throughout the city of Culver City. Copy of said franchise is attached to Application No. 11341, being marked Exhibit "C." Applicant has

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to date rendered service in Culver City pursuant to a franchise granted by the county of Los Angeles on February 28, 1918 (Ordinance No. 500 N. S.), since which date Culver City has been incorporated. Los Angeles Gas and Electric Corporation now supplies gas to the eastern portion of Culver City while applicant serves the western portion. Counsel for applicant stipulated that although the new franchise covers the entire city, it will be exercised only in that portion of Culver City not now being served by Los Angeles Gas and Electric Corporation.

On or about January 1, 1923, applicant purchased the gas distributing system then owned by the city of Newport Beach, which system has since been operated without franchise. It appears that the city of Newport Beach has at applicant's request caused a franchise ordinance to be prepared granting to applicant the right to operate and maintain pipes throughout the city of Newport Beach and applicant is now awaiting the final passage of the franchise ordinance awarded to it.

Applicant has been operating in Seal Beach, pursuant to various county franchises owned by applicant and by its predecessors in interest, all being granted prior to the incorporation of Seal Beach. Prior to the date of filing of Application No. 11341, applicant had applied to the city of Seal Beach for a franchise to lay and maintain gas pipes throughout the city of Seal Beach, such franchise not having been granted prior to date of said application. Subsequent to the filing of Application No. 11341, but prior to the date of hearing in this matter, the city of Seal Beach, on July 30, 1925, awarded applicant a forty-year franchise (Ordinance No. 118), to lay and maintain gas pipes throughout the city of Seal Beach. Copy of said franchise is filed as Exhibit No. 3 in Application No. 11341.

It is deemed advisable that applicant should operate under statutory franchises granted by the various cities in which applicant operates its gas system, and the accompanying order will grant the necessary certificate of public convenience and necessity for the exercise of those rights and privileges granted in the above mentioned franchises now held by Southern Counties Gas Company and on file with this Commission.

Hereafter, when and if franchise is awarded applicant by the city of Newport Beach, this Commission will, upon supplemental application, grant a certificate of public convenience and necessity to exercise the rights and privileges awarded by such franchise, provided that applicant file with this Commission a certified copy of such franchise and a stipulation duly executed by its board of directors agreeing that it will never claim for said franchise a value in excess of the cost thereof.

The exercise of those rights and privileges granted in Ordinance No.

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155, awarded applicant by Culver City, will be restricted to that portion of Culver City not now supplied with gas service by Los Angeles Gas and Electric Corporation.

Stipulation will be required of applicant to the effect that no value in excess of actual cost of the above mentioned franchises will ever be urged for the above mentioned franchises.

ORDER.

Southern Counties Gas Company having applied to the Railroad Commission for a certificate of public convenience and necessity for the exercise of certain rights and privileges granted by the city of Fillmore, Ordinance No. 82; the city of Santa Paula, Ordinance No. 126; the city of Culver City, Ordinance No. 155; and the city of Seal Beach, Ordinance No. 118; public hearing having been held, the matter being submitted and now ready for decision:

The Railroad Commission hereby certifies and declares that public convenience and necessity require and will require the exercise by Southern Counties Gas Company of those rights and privileges granted by Ordinance No. 82 adopted April 7, 1925, by board of trustees of the city of Fillmore; Ordinance No. 126 adopted May 4, 1925, by the board of trustees of the city of Santa Paula; Ordinance No. 155 adopted June 15, 1925, by the board of trustees of the city of Culver City and Ordinance No. 118 adopted July 31, 1925, by the board of trustees of the city of Seal Beach, all subject to the following conditions and not otherwise:

1. The exercise of the rights and privileges granted applicant by Ordinance No. 155 adopted June 15, 1925, by the board of trustees of the city of Culver City shall be restricted to that portion of Culver City not now receiving gas service from the Los Angeles Gas and Electric Corporation.

2. That on or before January 31, 1926, Southern Counties Gas Company shall file with this Commission a stipulation duly executed upon authority of its board of directors, agreeing that it will never claim for any of said franchises a value in excess of the cost thereof.

The authority herein granted shall be effective from and after the date of this order.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this seventh day of November, 1925.

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DECISION NO. 15602.

IN THE MATTER OF THE APPLICATION OF THE CITY OF HAWTHORNE, A MUNICIPAL CORPORATION, TO PURCHASE AND THE CITIZENS' SECURITY COMPANY TO SELL THAT CERTAIN PUBLIC UTILITY, BEING A WATER SYSTEM, TO FORTY-TWO RESIDENTS OF THE CITY OF HAWTHORNE.

Application No. 11512.

Decided November 7, 1925.

TRANSFER—WATER UTILITY.—Citizens' Security Company authorized to transfer its water system to the city of Hawthorne.

C. W. Faucett, for City of Hawthorne.
Chas. L. Overshiner, for Citizens' Security Company.
Marcus A. Woodward, for M. W. Jones and other consumers, Protestants.

BY THE COMMISSION.

OPINION.

Citizens' Security Company, which owns and operates a public utility water system supplying water for domestic use to a portion of the city of Hawthorne, Los Angeles County, has made application to this Commission for authority to transfer its water system to the city of Hawthorne, a municipal corporation, and thereafter be relieved of its public utility obligations. The city of Hawthorne also joins in the application.

A public hearing in this proceeding was held before Examiner Williams at Los Angeles, after all interested parties had been duly notified and given an opportunity to appear and be heard.

The testimony shows that the Citizens' Security Company, a corporation, owns and operates a water system originally installed to aid in the sale of lots in a certain area in and adjoining Hawthorne, bounded by Belleview, Ramona and Wallace avenues and Hawthorne boulevard. The water supply was at first obtained from a well located on the tract, but is now obtained in wholesale quantities from the Inglewood Water Company through a master meter.

The testimony shows that the greater portion of this territory is within the city limits of Hawthorne, and as this city is now operating its own water system and has installed water mains throughout the city, it now proposes to take over and assume the duties and service obligations of the Citizens' Security Company.

Objection to the transfer was made by certain consumers who contended that the water obtained from the Inglewood Water Company is of much better quality than the water served by the city of Hawthorne, and that a change in water service such as requested in this application would work a great hardship on the consumers as to the cost of the water and from a health standpoint. However, the testimony shows

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that the water now supplied by the city of Hawthorne has not injuriously affected the health of its many consumers in other parts of the city, nor has it in any way created a detrimental influence on the city's development. As a matter of fact, according to the record Hawthorne has enjoyed a very considerable growth in the past few years.

The Citizens' Security Company submitted a statement of receipts and disbursements covering a period from October, 1920, to September, 1925, which shows that this utility has sustained a considerable financial loss during that interval. An increase of rates sufficient to eliminate that loss and give a reasonable return upon the investment would undoubtedly result in rates higher than those now in effect in the city of Hawthorne.

A careful consideration of the evidence submitted leads to the conclusion that public interest will best be served by the Commission granting the authority sought.

ORDER.

Citizens' Security Company having made application to the Railroad Commission for authority to transfer its public utility water system to the city of Hawthorne, a municipal corporation, and to be relieved thereafter of all public utility obligation, and the city of Hawthorne having duly joined in the application, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed thereon;

It is hereby ordered, that Citizens' Security Company be and it is hereby authorized to transfer to the city of Hawthorne, a municipal corporation, that certain water system owned by said Citizens' Security Company and heretofore used by it for the supplying of water for domestic purposes to consumers residing in and in the vicinity of that section of the city of Hawthorne bounded by Belleview, Ramona and Wallace avenues and Hawthorne boulevard, Los Angeles County, upon the following terms and conditions and not otherwise:

1. The authority herein granted shall apply only to such transfer as shall have been made on or before the thirty-first day of December, 1925, and a certified copy of the final instrument of conveyance shall be filed with this Commission by Citizens' Security Company within thirty (30) days from the date on which it is executed.

2. Within ten (10) days from the date on which Citizens' Security Company actually relinquishes control and possession of the property herein authorized to be sold, it shall file with this Commission a certified statement indicating the date upon which such control and possession was relinquished.

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The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this seventh day of November, 1925.

DECISION No. 15603.

IN THE MATTER OF THE APPLICATION OF GEORGE A. BRAY AND H. G. TEALE FOR AN ORDER GRANTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Application No. 11536.

Decided November 7, 1925

RATES—WATER UTILITY.—George A. Bray and H. G. Teale, copartners, authorized to operate domestic and irrigation water system in tract near Culver City, Los Angeles County, and rates established for such service.

Loris V. Cady, for Applicants.

BY THE COMMISSION.

OPINION.

In the above entitled application George A. Bray and H. G. Teale, copartners, request authority to operate a public utility water system for the purpose of selling and distributing water for domestic and irrigation purposes to an area near Culver City covered by that certain franchise granted by Los Angeles County, Ordinance No. 1298, new series, a copy of which is attached to the application herein and marked Exhibit "A."

A public hearing in this matter was held in Los Angeles before Examiner Williams, after all interested parties had been duly notified and given an opportunity to be present and be heard.

The testimony shows that applicants own or control a large section of land which they propose to subdivide and in connection with which they propose to install a water system to aid in the sale of lots. At the present time only one tract, No. 6051, has been developed. A well 176 feet deep has been drilled, a pump and a 10,000-gallon storage tank have been installed, together with 5900 feet of mains varying from 4 to 2 inches in diameter. It is proposed to serve only the 200 lots in this particular tract with this installation. As other tracts are opened up, new wells will be developed and pumping equipment and mains will be installed to serve the new area.

There is no other public utility supplying water in the immediate vicinity and no one appeared to contest the granting of this application. It therefore appears that the application should be granted.

The rates proposed by applicant are the same as those of adjoining

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water utilities which are operating under similar conditions. These rates are considered reasonable and will be established in the following order.

ORDER.

George A. Bray and H. G. Teale, copartners, having made application as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed therein:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require that George A. Bray and H. G. Teale, copartners, operate a public utility for the purpose of supplying water for domestic and irrigation use to consumers within that district covered by Los Angeles County Ordinance No. 1298, new series, a copy of which is attached to the application and marked Exhibit "A," said district being more particularly delineated upon the map attached to the application herein and marked Exhibit "B."

It is hereby ordered, that George A. Bray and H. G. Teale be and they are hereby directed to file with the Commission, on or before twenty (20) days from the date of this order, the following schedule of rates to become effective for all water delivered to consumers subsequent to November 15, 1925:

Monthly Meter Rates.

Monthly minimum charge for meter use—

For ¾-inch meter	$1 25
For 1-inch meter	2 00
For 1½-inch meter	3 00
For 2-inch meter	5 00
	8 00

Monthly Quantity Rates.

For use between 0 and 400 cubic feet	$0 31½	per 100 cubic feet
For use between 400 and 2,000 cubic feet	21	per 100 cubic feet
For use over 2,000 cubic feet	18	per 100 cubic feet

It is hereby further ordered, that George A. Bray and H. G. Teale be and they are hereby directed to file with this Commission, on or before thirty (30) days from the date of this order, rules and regulations to govern relations with their consumers, said rules and regulations to become effective upon their acceptance by the Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this seventh day of November, 1925.

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DECISION No. 15604.

IN THE MATTER OF THE APPLICATION OF THE PEOPLE OF THE STATE OF CALIFORNIA, ON RELATION OF THE CALIFORNIA HIGHWAY COMMISSION, FOR AN ORDER AUTHORIZING THE CONSTRUCTION OF A STATE HIGHWAY CROSSING UNDER THE TRACKS OF THE SOUTHERN PACIFIC COMPANY AND THE SOUTH SAN FRANCISCO BELT RAILWAY, AT SOUTH SAN FRANCISCO, SAN MATEO COUNTY, CALIFORNIA.

Application No. 11630.

Decided November 7, 1925.

GRADE CROSSING—SEPARATION OF GRADES—COST APPORTIONED.—California Highway Commission authorized to construct Bay Shore highway under the tracks of Southern Pacific Company and the South San Francisco Belt Railway Company, at South San Francisco. The cost of the work is apportioned as follows: Four and one-half per cent to the South San Francisco Belt Railway Company; thirty-eight per cent to Southern Pacific Company; fifty-seven and one-half per cent to California Highway Commission.

Paul F. Fratessa, for Applicant.
F. W. Mielke, for Southern Pacific Company.
P. J. Shaw, for the South San Francisco Belt Railway Company
F. A. Cunningham, for the City of San Francisco.

SQUIRES, *Commissioner*.

OPINION.

In this application the California Highway Commission requests authority to construct a highway under the tracks of Southern Pacific Company and the South San Francisco Belt Railway, at South San Francisco, San Mateo County, California, and also asks that this Commission apportion the cost of the improvement.

At the hearing, which was held in San Francisco, October 20, 1925, it was stipulated by and between the respective parties that public necessity and convenience require the construction of this crossing.

The underpass requested is that of the so-called Bay Shore highway which is now being graded from a point immediately south of the proposed crossing to Broadway, Burlingame, and which will eventually be extended southward to San Jose. Because of its direct routing, offering the shortest distance between San Francisco and peninsular points, the road will become a very important trunk line highway, capable of carrying heavy high speed traffic. While the southerly terminus of the present grading contract is Burlingame, it is expected that by the time the underpass, which is the subject of this proceeding, is constructed, the road will be ready for travel as far south as San Mateo.

From San Francisco to the site of the proposed crossing the new highway will replace, in a general way, the existing San Bruno road, a paved county highway now leading to a connection with the main peninsular highway at San Bruno. At South San Francisco, however, the route of the new state highway will intersect the tracks and proceed

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directly across the marsh, while the existing county road now proceeds southward parallel with and to the west of the Southern Pacific Company's tracks, crossing them at grade at Linden avenue, some four thousand feet beyond the proposed undergrade, and a second time at grade near San Bruno station.

From a point south of the underpass on the new highway it is proposed to build a lateral connecting with this county road a short distance east of the existing crossing at Linden avenue. Such a connecting road will do away with the necessity for the grade crossing at Linden avenue, as the small amount of local traffic originating in the triangle lying between the Southern Pacific main line tracks and the San Bruno branch tracks can be conveniently and adequately served by existing crossings. The crossing at Linden avenue is an unusually hazardous one and is now protected by a human flagman.

The proposed underpass consists of a steel and concrete structure with 4 per cent approach grades, providing a forty-foot driveway and an eight-foot sidewalk. The deck proposed at present will carry six tracks of Southern Pacific Company and two of the South San Francisco Belt Railway, but the abutments will be so constructed and the grade lines laid in such a way that the Southern Pacific Company may in the future utilize its entire right of way for tracks. In addition to this 120-foot extension of the subway, which is entirely for the benefit of Southern Pacific Company, and which is estimated to increase the cost of the structure $30,000, there are also two items of exclusive benefit to the California Highway Commission which should also be considered in the gross estimate. Immediately north of the railroad right of way and within the limits of the subway approaches, the proposed highway will pass through a section of high ground requiring a considerable cut. It is contended that in the event a grade crossing were being constructed, it would still be necessary to remove a certain portion of this cut and that the cost of so doing is not properly a portion of the subway cost. There appears to be merit in this contention. The Commission has in the past given consideration to theoretical grade lines in determining the apportionment of cost of grade separations, and it is therefore proper that the expense of removing this 30,000 yards of material, which is estimated to cost $1 per yard, be eliminated from the gross estimate. It also appears that the Highway Commission can utilize the material removed from the subway excavation on its adjacent fills, and that the Commission has agreed to allow a credit of 49 cents per cubic yard for the material so used, that being the unit price for similar material under the present grading contract. Deducting the 30,000 cubic yards, which the railroad company claims to be without the limits of the subway excavation, there appears to be 34,000

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cubic yards of subway material which, at 49 cents per yard, is worth $16,660 to the highway, and that amount should also be eliminated from the gross estimate.

The applicant has filed an estimate of the cost of constructing this underpass, the total of which is $280,096. This includes the above-mentioned items of direct benefit to one of the parties. Southern Pacific Company agreed that the estimate was reasonable but was of the opinion that an item of $2,000 for taking care of the Belt line during construction should be increased to $3,700. The item "Concrete paving between engineer's stations 244+50 and 254, $16,350," was also questioned but it appears that on account of the grade of the subway being below sea level between these stations, this paving is a structural part of the subway and is not a portion of the roadway paving. It is not the intention to pave the Bay Shore highway with concrete at the present time. This sum of $280,096, increased by $1,700 as suggested above, appears then to be a reasonable gross estimate and that sum will be used in apportioning the cost of making this improvement. After deducting the amounts of the several direct benefits set forth in preceding paragraphs, a balance of $205,136 remains to be divided according to the obligations of, and the intangible benefits received by, each of the parties. This sum will hereinafter be referred to as the "net cost."

It is the contention of Southern Pacific Company that the cost of this work is properly chargeable to five different parties, the Highway Commission, the county of San Mateo, the city of South San Francisco, Southern Pacific Company and the South San Francisco Belt Railway Company, and that an equitable distribution of the cost would be to assess each one-fifth. While it is true that the site of the proposed subway is within the limits of South San Francisco, and that its construction will probably eliminate a grade crossing of a county road, which is also within the said city limits, I am of the opinion that the public interest in this grade separation is the same whether it be represented by one political subdivision or by three; or, stated conversely, the mere fact that this subway is located in an incorporated city, and that a county instead of the state has jurisdiction over the road, which at present crosses the railroad tracks at grade, does not diminish the railroad companies' respective obligations, and it should have no effect on the amounts these companies should be required to pay. It must also be considered that in the present case the South San Francisco Belt Railway Company is not benefited by the elimination of the grade crossing, as Southern Pacific Company is, and for that reason, the latter company should bear a relatively larger portion of the cost.

Since the one subway crosses under the tracks of two railroads and

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the same approaches serve for both crossings, it is apparent that each company has an interest in the entire structure, and for the purpose of determining the relative amount of this interest, a method of apportioning according to the number of tracks in existence appears to be fair. The Belt Railway has two tracks and Southern Pacific Company six. The former company may therefore be said to have an interest in one-fourth of the "net cost" of the structure, which portion amounts to $51,284, and the Southern Pacific has an interest in three-fourths of the "net cost," which portion amounts to $153,852. It is these amounts, therefore, which should be used in determining the equitable proportions to be borne by the respective companies.

The obligation of railroad companies to provide the public with safe means of crossing their tracks has been pointed out in previous decisions of this Commission, and it may be well to quote the following paragraphs from Decision No. 14244, in the matter of the crossing of La Cienega boulevard under tracks of Pacific Electric Railway Company in the city of Los Angeles (25 C. R. C. 552):

> A line of railroad is primarily constructed for the purpose of engaging in that business for profit. The establishment of such a line of railroad becomes, of itself, a barrier to what would otherwise be a free and safe means of access for vehicular travel between the two portions of the territory divided by the railroad, and which, by the construction of the railroad, becomes limited.
>
> It is a well established principle that the railroad incurs an obligation to reduce to a minimum the hazard at any of the crossings of the established lines of travel of the public, and the obligations of a carrier to participate to the extent of 50 per cent of the cost of completely eliminating such grade crossings at established highways has become almost customary; nor is the railroad's obligation decreased in such a case because of the fact that highway traffic development has increased, subsequent to the establishment of a railroad, to such an extent that grade crossing elimination, which originally was not justified, later becomes necessary.
>
> It is thus evident that the railroad's obligation to provide reasonably safe access across its tracks is a continuing obligation, and it can not expect to wholly escape the burden of providing safe highways, in addition to those already constructed at the time of the original railroad construction, when development of the community it serves demands such additional highways.

In the above cited decision, 25 per cent of the cost of the project was assessed to the railroad company and it appears reasonable that for the purpose of determining the portion of the cost to be borne by the South San Francisco Belt Railway Company, a similar percentage should be used and therefore 25 per cent of the portion, representing the South San Francisco Belt Railway Company's interest in the subway, should be assessed to that company. Reduced to money, this amounts to 25 per cent of $51,284, or $12,821.

The Southern Pacific Company's interest in the subway is affected by other conditions. When the Bay Shore highway is opened and the connecting cross road constructed, there appears to be no reason why the existing dangerous crossing at Linden avenue can not be closed and this railroad company will receive considerable and substantial benefit

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by being relieved of further risks at this point as well as the cost of maintaining this crossing and an expensive flagging service.

It appears that in selecting the location for the subway the alignment of the highway, rather than the possibility of economical construction, was the determining factor. Six tracks of Southern Pacific Company are crossed at the proposed site, while but three exist at the Linden avenue grade crossing, and it may be that it would cost somewhat less to build a subway at the latter point. However, the present record does not disclose what this difference in cost, if any, would amount to, and it therefore must be presumed that any difference in the cost as between the two sites is so small as to be inconsequential to the parties.

When grade separations have resulted in the elimination of grade crossings, the Commission has in many instances assessed one-half of the cost of such separation to the railroad company and there appears no valid reason why a similar division should not obtain in this instance. Dividing the hereinbefore mentioned sum of $153,852 equally between applicant and Southern Pacific Company would amount to $76,926 to each.

Recapitulating the several computations discussed in the foregoing paragraphs, the matter may be stated as follows:

Estimated cost of project per applicant's Exhibit No. 3		$280,096 00
Increase in cost of taking care of Belt Railway tracks		1,700 00
Gross estimated cost		$281,796 00
Estimated cost of portions entirely for benefit of California Highway Commission:		
Excavating to theoretical grade	$30,000 00	
Subway excavation used as fill	16,660 00	
	$46,660 00	
Estimated cost of portion entirely for benefit of Southern Pacific Company:		
Extra length of barrel	30,000 00	
Total direct benefits		76,660 00
"Net cost" of subway to be apportioned		$205,136 00
Portion of "net cost" to be divided between applicant and the respective railroads:		
South San Francisco Belt Railway Company, 2 tracks or 25%		$51,284 00
Southern Pacific Company, 6 tracks or 75%		153,852 00
Total, 8 tracks or 100%		$205,136 00
Apportionment of "net cost":		
South San Francisco Belt Railway Co., assessed 25% of its interest		$12,821 00
Southern Pacific Company, assessed 50% of its interest		76,926 00
California Highway Commission, 75% of Belt Railway interest		38,463 00
California Highway Commission, 50% of Southern Pacific interest		76,926 00
		$205,136 00

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There is not much likelihood that the actual cost of the several so-called direct benefits can be definitely determined even after the project is completed, but all of the estimates appear to have been prepared with the same relative degree of accuracy and since they are thus comparable they have been combined, in the following summary, with the intangible benefits which have been obtained by apportionment of the estimated "net cost" of the subway, with resulting percentages as shown:

	Apportionment net cost	Direct benefits	Total apportionment	Per cent of total cost
To California Highway Commission	$115,389	$46,660	$162,049	57½%
To Southern Pacific Company	76,926	30,000	106,926	38 %
To South San Francisco Belt Railway	12,821	-------	12,821	4½%
	$205,136	$76,600	$281,796	100%

It appears that the owners of the South San Francisco Belt Railway have made certain right of way concessions to the Highway Commission, in consideration of which the latter at the hearing announced its willingness to assume any costs of the subway which may be properly assessed to that railway company. This, of course, is a matter of agreement between these parties and if the amount herein assessed to the Belt Railway has already been paid to applicant by valuable considerations, this decision should not be construed as requiring that these amounts be paid again or in any other manner.

It should also be noted that the percentages, as above developed, are contingent upon the closing of the existing crossing at Linden avenue, and a further order should be entered in the proceeding under which that crossing was opened (Application No. 849), providing that at such time as the subway herein authorized is constructed and the connecting road built, this grade crossing shall be closed.

The following form of order is recommended in the present proceeding:

ORDER.

People of the State of California on relation of the California Highway Commission having made application for an order authorizing the construction of a crossing under the tracks of Southern Pacific Company and South San Francisco Belt Railway Company, at South San Francisco, San Mateo County, and apportioning the cost thereof, a public hearing having been held, the matter having been submitted, and being now ready for decision;

It is hereby ordered, that the people of the State of California on relation of the California Highway Commission be and they are hereby authorized to construct a crossing under the tracks of Southern Pacific Company and the South San Francisco Belt Railway Company, at

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South San Francisco, San Mateo County, as hereinafter specified, subject to the following conditions:

(1) Said crossing shall be constructed at a location approximately at engineer's station 75+03.76 on the railroad.

(2) Said crossing shall be constructed substantially in accordance with the plan filed by applicant as Exhibit No. 1 in this proceeding. Said crossing shall be more specifically constructed in accordance with detail plans which shall hereafter be submitted to and approved by this Commission.

(3) The cost of constructing the undergrade crossing, including all work estimated on sheet two of applicant's Exhibit No. 3, shall be apportioned on the basis of four and one-half per cent (4½%) to the South San Francisco Belt Railway Company, thirty-eight per cent (38%) to Southern Pacific Company and fifty-seven and one-half per cent (57½%) to the applicant.

(4) The cost of future maintenance of the superstructure shall be borne by the South San Francisco Belt Railway Company and Southern Pacific Company, each company bearing the cost of maintenance of the portion under its own tracks.

(5) The cost of future maintenance of the remainder of the structure, including the drainage thereof, shall be borne by the applicant.

(6) Applicant shall within thirty (30) days thereafter notify this Commission, in writing, of the completion of the installation of said crossing.

(7) If said crossing shall not have been installed within two years from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(8) The Commission reserves the right to make such further orders realtive to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

For all other purposes this order shall become effective twenty (20) days from the making thereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this seventh day of November, 1925.

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DECISION NO. 15605.

IN THE MATTER OF THE APPLICATION OF LOS ANGELES JUNCTION RAILWAY COMPANY FOR AN ORDER AUTHORIZING THE ISSUANCE OF CAPITAL STOCK.

Application No. 11760.

Decided November 7, 1925.

SECURITIES—STOCK—TO ISSUE.—Los Angeles Junction Railway Company authorized to issue and sell $100,000 of common capital stock.

Gibson, Dunn and Crutcher, by *S. M. Haskins*, for Applicant.

BY THE COMMISSION.

OPINION.

Los Angeles Junction Railway Company in the above numbered application filed on September 30, 1925, asks permission to issue and sell $100,000 of its common capital stock and use the proceeds to acquire and construct railway properties and operate the same.

It is of record that applicant is engaged in the business of constructing and operating a belt line junction railway connecting the lines of the Southern Pacific Company, Union Pacific Railroad Company (Los Angeles and Salt Lake Railroad Company), The Atchison, Topeka and Santa Fe Railway Company and Pacific Electric Railway Company, to serve industries in the territory known as Central Manufacturing District, including Los Angeles Union Stockyards situated in San Antonio township, Los Angeles County, and in territory adjacent thereto situated in the city of Vernon. On October 10, 1925, the Interstate Commerce Commission authorized applicant to lease, for a nominal rental the line of railway being constructed by the Central Manufacturing District, Inc. Quoting from the decision of the Interstate Commerce Commission:

"The District proposes to lease to the applicant the aforesaid line and other railroad properties for a nominal rental, pending an agreement between the parties as to the fair value thereof. The term of the lease is for one year, and thereafter from year to year until canceled by either party upon 90 days' notice. The rental will be $600 per annum, payable in monthly installments of $50 each. The applicant agrees to pay all lawful taxes assessed against the demised properties, and to bear all expenses of maintenance and operation. It is proposed to execute this temporary lease immediately after the entry of our order herein. It is represented in behalf of the applicant that after the line is completed, and a fair value of the railroad properties of the district is arrived at, a new lease will be made providing for a rental which will represent a proper annual per cent on the total value of such properties. If and when the applicant elects to execute such proposed new lease, or to change the terms of the proposed lease submitted in this proceeding, a proper application for such authority should be filed with us."

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Applicant has an authorized stock issue of $1,000,000 divided into 10,000 shares of the par value of $100 each. Under the authority granted in Decision No. 13059, dated January 17, 1924, the company issued thirty (30) shares of its common capital stock. The authority granted by such decision to issue stock terminated on August 31, 1925.

It is of record that the stock which applicant now asks permission to issue will be purchased by the Los Angeles Corporation which controls applicant corporation and Central Manufacturing District, Inc. Applicant asks that it be permitted to use $39,352.34 of the proceeds to acquire the following properties:

1 20,000-gallon corrugated steel water tank with conical cover and inside ladder delivered and erected	$1,547 02
1 Water meter delivered and connected	76 21
2 Oil tanks delivered and erected at $1,680.15 each	3,360 30
2 Switching engines and tenders delivered, including conversion for oil burning, at $9,361.81 each	18,723 62
1 Steam hoisting crane delivered	13,494 80
2 Flat cars at $239.63 each	479 26
1 Push car	85 29
1 Sheffield heavy track-laying car	112 00
150 Barrels fuel oil at $1.63 each	244 50
Miscellaneous roadway small tools	682 29
Miscellaneous stationery	547 05
Total	$39,352 34

The remaining proceeds will be used as working capital and to purchase additional properties when needed. In this connection it should be stated that applicant began operations September 3, 1925, and that the tracks over which it operates are located in or are appurtenant to a district in which new industries are locating.

ORDER.

Los Angeles Junction Railway Company having applied to the Railroad Commission for permission to issue $100,000 of stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant and that this application should be granted as herein provided; therefore,

It is hereby ordered, that Los Angeles Junction Railway Company be and it hereby is authorized to issue and sell for not less than par on or before June 30, 1926, $100,000 of common capital stock and use the proceeds to acquire the properties referred to in the opinion which precedes this order, to acquire additional properties necessary in the conduct of its transportation business and for working capital.

It is hereby further ordered, that under the authority herein granted no stock certificates may be issued or delivered until Los Angeles June-

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tion Railway Company has received full payment for the stock represented by stock certificates delivered.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that Los Angeles Junction Railway Company shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this seventh day of November, 1925.

DECISION No. 15606.

IN THE MATTER OF THE APPLICATION OF UNITED STAGES, INCORPORATED, A CORPORATION, FOR PERMISSION TO ISSUE STOCK.

Application No. 11776.

Decided November 7, 1925.

SECURITIES—STOCK—TO ISSUE.—United Stages, Incorporated, authorized to issue $85,000 of common stock.

T. Morgan, Applicant.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order authorizing the United Stages, Inc., to issue $85,000 par value of its common capital stock. The company asks permission to issue $35,000 of the stock to reimburse its treasury on account of earnings expended for property and thereafter distribute such stock as a dividend to its stockholders, and to sell $50,000 of stock at not less than 80 per cent of its par value and use the proceeds to acquire new equipment.

The United Stages, Inc., has an authorized stock issue of $200,000 divided into 2000 shares of the par value of $100 each, as of August 31, 1925, stock in the amount of $53,200 outstanding.

As of August 31, 1925, applicant reports assets and liabilities as follows:

Capital Assets:	*Assets.*
Franchises	$35,064 84
Plant and equipment	109,969 71
Other property	30,890 09
Total property	$175,924 64
Less reserve for accrued depreciation	34,795 46
Net capital assets	$141,129 18

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Current Assets:	
Cash	$11,776 36
Notes receivable	
Accounts receivable	14,457 97
Materials and supplies	8,137 66
Special funds	
Total current assets	$34,371 99
Prepayments	$3,730 61
Total assets	$179,231 78

Liabilities and Capital.

Capital Liabilities:	
Capital stock	$53,200 00
Funded debt	11,375 00
Total capital liabilities	$64,575 00
Current Liabilities:	
Notes payable	$9,163 72
Accounts payable	29,753 96
Other	78 39
Total current liabilities	$38,996 07
Surplus	$75,660 71
Total liabilities and capital	$179,231 78

Applicant has an accumulated surplus of $75,660.71. In arriving at the amount of stock which it desires to distribute as a dividend to its stockholders, applicant deducted from the $75,660.71 a sum of $35,064.84 reported in its balance sheet under the item of franchises. Deducting the $35,064.84 from the $75,660.71 leaves a balance of $40,595.87 against which it proposes to issue the $35,000 of stock.

T. Morgan, president and general manager of United Stages, Inc., testified that it is necessary for the company to acquire newer and larger equipment in order that more adequate service can be rendered between Imperial Valley points, and that the increase in business between Los Angeles and Imperial Valley necessitates additional equipment in the near future. It is of record that applicant has not yet finally determined the type of equipment which it will require. Not until the Commission has been furnished with definite information as to the type of equipment and cost thereof which applicant will acquire, will the Commission authorize the expenditure of any proceeds for such purposes. We do not believe that applicant has justified its request for permission to issue and sell $50,000 of stock at not less than 80. We think this stock should be sold for not less than par. The order herein will so provide. The order will further provide that of the proceeds realized from the sale of the stock an amount not exceeding ten dollars ($10) per share of stock sold may, if necessary, be

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expended to pay expenses incident to the sale of the stock and that all other proceeds be deposited in a special bank account and expended only for such purposes as may hereafter be authorized by the Commission.

ORDER.

United Stages, Inc., having applied to the Railroad Commission for permission to issue $85,000 of its common stock and a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of such stock is reasonably required and that this application should be granted as provided in this order; therefore,

It is hereby ordered, that the United Stages, Inc., be and it hereby is authorized to issue on or before June 30, 1926, $85,000 par value of its common capital stock. Of such stock $35,000 shall be issued at not less than par for purpose of reimbursing applicant's treasury on account of earnings expended for the acquisition of properties and may thereafter be distributed as a stock dividend. The remaining $50,000 of said stock shall be sold by applicant at not less than par. Of the proceeds realized an amount not exceeding ten dollars ($10) per share may, if necessary, be expended to pay expenses incident to the sale of the stock. The remaining proceeds and such portion of the ten dollars not expended for the aforesaid purposes shall be deposited in a bank in conformity with the Commission's General Order No. 24 and expended only for such purposes as the Commission will hereafter authorize by supplemental order or orders.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this seventh day of November, 1925.

DECISION No. 15608.

IN THE MATTER OF THE APPLICATION OF HOME TELEPHONE COMPANY OF COVINA, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUANCE OF SEVENTY-FIVE THOUSAND DOLLARS PAR VALUE OF PREFERRED CAPITAL STOCK.

Application No. 11842.

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Decided November 7, 1925.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Home Telephone Company of Covina authorized to issue and sell $56,800 of 7 per cent cumulative preferred stock. Permission denied in so far as it relates to $18,200 of the same stock.

Loyd Wright by *Charles E. Millikan*, for Applicant.

BY THE COMMISSION.

OPINION.

Home Telephone Company of Covina asks permission to issue $75,000 par value of its preferred stock.

It is of record that the company's stockholders holding more than two-thirds of the subscribed and issued capital stock at a meeting held on July 17, 1925, voted to increase the company's authorized capital stock from $200,000, divided into 4000 shares of the par value of $50 each, to $600,000, divided into 6000 shares of the par value of $100 each, of which 3000 shares thereof shall be common capital stock and 3000 shares thereof shall be preferred capital stock. The holders of the preferred capital stock shall be entitled to receive from the surplus or net profits of the corporation when and as declared by the board of directors, dividends at the rate of 7 per cent per annum, and no more, payable quarterly, semiannually or annually, on such dates as shall be determined from time to time by the board of directors. The dividends on the preferred stock shall be cumulative and shall be payable before any dividend on the common stock shall be set apart or paid, so that if in any year dividends amounting to 7 per cent per annum shall not have been paid on the preferred stock, such deficiency shall be paid before any dividends shall be set apart for or paid upon the common stock. In the event of dissolution, liquidation, or winding up of the corporation (whether voluntary or involuntary), the holders of the preferred stock shall be entitled to receive the par value of their respective shares, plus all accumulated and unpaid dividends thereon, before any assets shall be applied to the common stock. Upon payment to the holders of the preferred stock of the par value of their respective shares, and accrued and unpaid dividends thereon, all remaining assets shall belong to and be distributed to the holders of the common stock. The company reserves the right to redeem and cancel at its option any number of the preferred capital stock shares outstanding, at any time after two years from the date of the issue of such shares, by payment to the holders thereof of the par value of each share plus all accumulated and unpaid dividends thereon, plus a premium of 6 per cent upon such principal, if redeemed within the first ten years from the date of the issue of the shares, and if redeemed thereafter the premium to be paid upon redeeming each respective share shall decrease one-fourth of one per cent each year. Counsel for applicant expressed the opinion

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that the company could never redeem the preferred stock at less than par value.

Home Telephone Company of Covina now has outstanding $118,200 of common capital stock, divided into 2364 shares of $50 each. The company proposes to exchange 2000 shares of its common stock of the par value of $100,000 into 1000 shares of common stock with a par value of $100,000. The remaining 364 shares of common stock having a par value of $18,200 it desires to exchange for 182 shares with a par value of $18,200 of 7 per cent cumulative preferred stock, to be issued subject to the company's articles of incorporation referred to above. It is urged by representatives of applicant that the $18,200 of common stock is held by persons who might object to a reduction in the rate of dividend paid on the company's outstanding stock, should such a course of procedure become necessary. This is not a sufficient ground to authorize the conversion of common into preferred stock and this application in so far as it involves such conversion, will be denied.

Some of the common stock now outstanding was issued pursuant to orders of the Railroad Commission which were predicated upon evidence that the company's stock had a par value of $50 per share. In the application now before the Commission, applicant does not ask to refund its outstanding common stock by the delivery of one share of stock of $100 par value for two shares of the par value of $50 each, nor does it ask the Commission to modify its former orders. Applicant seems to be of the opinion that the refunding can be done without permission from the Railroad Commission. We do not agree with such conclusion. We believe that applicant should file with the Railroad Commission an application for permission to issue and deliver 1182 shares of its common capital stock of the par value of $100 per share in exchange for the 2364 shares, par value $50 per share, now outstanding.

The $18,200 representing 7 per cent cumulative preferred stock which the company asks permission to issue in exchange for common stock, is included in the $75,000 which applicant asks permission to issue. Deducting the $18,200 from the $75,000 leaves $56,800 of 7 per cent cumulative preferred stock which we believe applicant should be permitted to issue. F. H. Wright, secretary of the Home Telephone Company of Covina, testified that in his opinion the company could readily sell the preferred stock at par, less a commission of not exceeding $5 per share. Applicant asks that it be permitted to use the proceeds to pay indebtedness amounting to $34,750 which, according to the record, represents moneys borrowed to extend and enlarge applicant's telephone facilities and use the remainder of the proceeds to acquire additional properties including central office equipment.

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ORDER.

Home Telephone Company of Covina having applied to the Railroad Commission for permission to issue $75,000 par value of its 7 per cent cumulative preferred stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of $56,800 of such stock is reasonably required by applicant and that this application in so far as it involves the issue of $18,200 of stock should be denied;

It is hereby ordered, that Home Telephone Company of Covina be and it is hereby authorized to issue and sell on or before June 30, 1926, at not less than par for cash $56,800 par value of its 7 per cent cumulative preferred stock. Of the proceeds realized from the sale of the stock, an amount not exceeding $5 per share of stock sold may be used, if necessary, to pay expenses incident to the sale of the stock. Of the proceeds realized from the sale of the stock $34,750 shall be used by applicant to pay the notes referred to in applicant's exhibits "D" and "E." Any proceeds not needed for the aforesaid purposes shall be used by applicant to acquire, construct and install central office equipment and other additions and betterments to its telephone plant and properties.

It is hereby further ordered, that the authority herein granted shall become effective when the Railroad Commission has authorized Home Telephone Company of Covina to issue and deliver common stock of the par value of $100 per share in exchange for the common stock now outstanding having a par value of $50 per share; that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's general Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that this application in so far as it involves the issue of $18,200 of 7 per cent cumulative preferred stock be and the same is hereby denied.

Dated at San Francisco, California, this seventh day of November, 1925.

DECISION NO. 15622.

ANTON RILOVICH

vs.

MARY PERKINS RAYMOND.

Case No. 2016.

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Decided November 7, 1925.

PUBLIC UTILITY—WATER SERVICE—DEDICATION TO PUBLIC SERVICE.—Upon rehearing it is held that defendant did not conduct a public utility, and should not be required to continue service of water to complainant, who acquired his land from the predecessor of defendant, subject to an agreement to furnish water thereon.

DEDICATION TO PUBLIC SERVICE—UNEQUIVOCAL INTENTION.—Before it can be declared that any private owner is a public utility, it must appear that there was an "unequivocal intention" to become such and no such unequivocal intention is shown here.

Anthony Jurich, for Complainant.
Vincent S. Brown, for State Immigration Commission and Complainant.
Hollingsworth and Henderson, by *J. C. Hollingsworth*, and *Clarke and Bowker*, by *Robert M. Clarke*, for Defendant.

DECOTO, *Commissioner*.

OPINION ON REHEARING.

It appears that one S. L. Stuart was the owner of a portion of section 5, township 4 north, range 22 west, San Bernardino base and meridian, and that in October, 1910, he subdivided his holdings and sold them in parcels to four or five people, one of whom was Anton Rilovich, giving to some of them a certain agreement concerning water.

On the twenty-seventh day of October, 1910, he deeded to Anton Rilovich a part of lots 3 and 4 of section 5, township 4 north, range 22 west, San Bernardino base and meridian, consisting of approximately twenty acres and at the same time and place he made, executed and delivered to Rilovich the following agreement:

This agreement, made and entered into this 27th day of October, A. D. 1910, by and between S. L. Stuart, the party of the first part, and Antone Rilovich, the party of the second part, Witnesseth:

Whereas, the party of the first part is the proprietor of a system of water works and pipe lines for the purpose of furnishing water for the irrigation of certain lands in Section 5, T. 4 N., R. 22 W., S. B. M., and,

Whereas, the party of the first part has conveyed to the party of the second part 20 acres of land in Lot 3, Section 5, T. 4 N., R. 22 W., S. B. M., by deed of even date herewith, and intended to be forthwith recorded in the office of the County Recorder of Ventura County, State of California,

Now, therefore, this agreement witnesseth, that the party of the first part hereby agrees to furnish the party of the second part, for the price or sum of twenty cents (20c) for each one thousand gallons of water used by said party of the second part upon the land particularly described in said deed of even date herewith.

It being understood that said water is to be supplied from the system of water pipes as now constructed and maintained by the party of the first part, and that all expense in making connections to and with said system of pipes and conducting said water to said land, including all tanks, measuring devices or meters for measuring said water, shall be at the sole cost and expense of the party of the second part. And it is also understood that the party of the first part reserves the right and privilege of remodeling, changing and reconstructing said system of water pipes at his option.

In witness whereof, the said party of the first has hereunto set his hand and seal the day and year first above written.

S. L. Stuart. (Seal)
Martha A. Stuart.

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The deed of Anton Rilovich was recorded January 11, 1911, in volume 142 of deeds at page 142, Ventura County records, and the agreement hereinabove set forth was recorded January 11, 1911, in book 124 of deeds, at page 105, Ventura County records.

Thereafter water was furnished to Rilovich from an old well in the canyon, which had been originally a spring. After the pipe line wore out and the spring partially ceased to flow, this system was abandoned, being worn out and useless. A new well was put down on another portion of the property and at different times water for irrigation and domestic use has been furnished to Rilovich.

Mary Perkins Raymond, the defendant, succeeded to the title of S. L. Stuart in the lands in question. During June, 1924, Mary Perkins Raymond refused to deliver water to Anton Rilovich and on the sixteenth day of June, 1924, Anton Rilovich filed a complaint with this Commission, setting forth the facts herein set forth and asking for an order of the Commission compelling Mary Perkins Raymond to continue furnishing him with water.

On the fourteenth day of July, 1924, Mary Perkins Raymond filed her answer to the complaint of Rilovich and the matter was set for hearing and heard at Ojai, September 2, 1924.

The Commission rendered its opinion declaring Mary Perkins Raymond was conducting a public utility and directing that she not discontinue the water service to Rilovich.

The defendant on February 27, 1925, filed her application for rehearing, which was granted for the purpose of presenting further evidence and the argument of certain points of law raised by the defendant.

Upon the rehearing additional facts were presented for the consideration of the Commission and a full and thorough discussion of the law of the state affecting dedication of property to public use was had by all the parties. The further question was raised by the defendant as to whether or not the defendant had ever submitted to the jurisdiction of the Commission, a question which was not raised nor discussed at the original hearing. Both plaintiff and defendant argued both these matters in full and each was given the privilege of filing a brief with the Commission. The plaintiff afterwards waived his right to file such brief in support of his application.

I am of the opinion, after full consideration of the additional evidence produced and the new questions raised by defendant that the evidence in this case does not show that Mary Perkins Raymond, or her grantors, ever conducted a public utility within the meaning of the law of this state. S. L. Stuart conveyed the land to his few grantees and

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executed the document above set forth, but it is well settled in this state that by so doing he did not become a public utility. Whether or not he conveyed any private right to the water is for the courts to determine and not this Commission.

The test to be applied in determining whether a person engaged in the business of supplying water is engaged in a public utility business is whether or not he holds himself out expressly or impliedly as engaged in the business of supplying water to the public as a class or a limited portion of it as contradistinguished from holding himself out as serving or ready to serve only particular individuals either as a matter of accommodation or for reasons peculiar and particular to him.

Van Hoosear vs. *Railroad Commission*, 184 Cal. 552.

Before it can be declared that any private owner is a public utility, it must appear that there was an "unequivocal intention" to become such and no such unequivocal intention is shown here.

"To hold that property has been dedicated to a public use is not a trivial thing and such dedication is never presumed without evidence of unequivocal intention."

Allen vs. *Railroad Commission*, 179 Cal. 69;
Klatt vs. *Railroad Commission*, 69 Cal. Dec. 19;
Thayer vs. *California Development Company*, 164 Cal. 117.

I suggest the following form of order:

ORDER.

Complaint having been made that the defendant named herein threatened to discontinue water service to complainant, the matter having come on for hearing and evidence having been taken and the case being submitted upon rehearing and ready for decision and it being our opinion that defendant, Mary Perkins Raymond, and her predecessors in interest, never have operated as a public utility and are not now a public utility;

It is hereby ordered, that the complaint and application of complainant herein, Anton Rilovich, for an order compelling Mary Perkins Raymond to furnish him with water for agricultural and domestic purposes be denied.

The foregoing opinion and order are approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

For all other purposes the effective date of this order shall be November 29, 1925.

Dated at San Francisco, California, this seventh day of November, 1925.

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DECISION NO. 15626.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION FIXING FAIR AND REASONABLE RATES FOR GAS SUPPLIED TO ITS CONSUMERS.

Application No. 6108.

Decided November 10, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Pacific Gas and Electric Company directed to reduce gas rates from three cents to five cents per 1000 cubic feet, according to location of plants, as the result of reduction in the price of fuel oil of fifteen cents per barrel.

BY THE COMMISSION.

EIGHTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 9125 (20 C. R. C. 64) in the above entitled matter, this Commission provided, with reference to the rates therein established, that such rates would be subject to increase or decrease by amounts as set forth therein, upon approval of the Railroad Commission based upon a change in the price paid for oil in the various communities served; and

Whereas, Pacific Gas and Electric Company now makes affidavit that, as of October 27, 1925, the price paid for oil was decreased;

It is hereby ordered, that Pacific Gas and Electric Company decrease the rates for gas service, as determined in Decision No. 15512, effective for all meter readings taken on and after November 26, 1925, so that the rates of the several schedules shall be less than the basic rates of the respective schedules, set forth in Decision No. 9125, by the following amounts:

Schedule G-1 12 cents per 1,000 cubic feet.
Schedule G-3 16 cents per 1,000 cubic feet.
Schedule G-4 13 cents per 1,000 cubic feet.
Schedule G-5 15 cents per 1,000 cubic feet.
Schedule G-6 15 cents per 1,000 cubic feet.
Schedule G-7 18 cents per 1,000 cubic feet.
Schedule G-8 22 cents per 1,000 cubic feet.
Schedule G-9 15 cents per 1,000 cubic feet.

It is hereby further ordered, that Pacific Gas and Electric Company file with the Commission, on or before November 20, 1925, revisions of its schedules as herein authorized.

Dated at San Francisco, California, this tenth day of November, 1925.

DECISION NO. 15627.

ROBERT H. DALY ET AL.

vs.

PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION.

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Case No. 1843.

Decided November 10, 1925.

RATES—STEAM UTILITY—AUTOMATIC ADJUSTMENT.—Pacific Gas and Electric Company directed to reduce rates for steam heating service four cents per 1000 pounds, as the result of reduction in price of fuel oil.

BY THE COMMISSION.

FIFTH SUPPLEMENTAL ORDER.

Whereas, Decision No. 12580 (23 C. R. C. 841) in the above entitled matter, provides, with reference to the steam rates of Pacific Gas and Electric Company, that such rates be subject to increase or decrease upon approval of this Commission on the basis of three (3) cents per thousand pounds of steam for each ten (10) cent increase or decrease, respectively, per barrel in the price of oil above or below the price in effect on August 1, 1923, and,

Whereas, Pacific Gas and Electric Company now makes affidavit that on October 27, 1925, the price of oil was decreased by fifteen (15) cents per barrel, so that it is now fifteen (15) cents more than the basic price upon which rates were established in Decision No. 12580;

It is hereby ordered, that Pacific Gas and Electric Company reduce its present rates for steam effective for all meter readings taken on and after November 26, 1925, so that said rates shall be equal to five (5) cents more than the basic rates on file with the Commission as established in said Decision No. 12580;

It is hereby further ordered, that Pacific Gas and Electric Company file with the Commission on or before November 20, 1925, a revision of its schedules as herein designated.

Dated at San Francisco, California, this tenth day of November, 1925.

DECISION NO. 15628.

IN THE MATTER OF THE APPLICATION OF COAST VALLEYS GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER REVISING THE BASE RATE FOR GAS SERVICE AS HERETOFORE FIXED BY DECISION NO. 9397, CASE NO. 1611.

Application No. 8173.

Decided November 10, 1925.

RATES—GAS—AUTOMATIC ADJUSTMENT.—Coast Valleys Gas and Electric Company directed to reduce gas rates in Monterey, six cents per 1000 cubic feet, and in Salinas seven cents per 1000 cubic feet, as the result of reduction in the price of fuel oil.

BY THE COMMISSION.

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SIXTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 11243 (22 C. R. C. 512) in the above entitled matter, the Commission provided, with reference to schedules "A" and "B" of Coast Valleys Gas and Electric Company, that such rates would be subject to decrease upon approval of the Railroad Commission on the basis of three (3) cents per thousand cubic feet for each ten (10) cent decrease in the price of oil below the price of $1.75 per barrel; and,

Whereas, Coast Valleys Gas and Electric Company now makes affidavit that the price of oil was decreased to $1.04 per barrel in Monterey and $1.19 per barrel in Salinas, these prices being in Monterey seventy-one (71) cents per barrel below the base price, and in Salinas fifty-six (56) cents below the base price upon which rates were established in Decision No. 11243;

It is hereby ordered, that Coast Valleys Gas and Electric Company reduce its present rates, designated as schedules "A" and "B", effective for all meter readings taken on and after November 26, 1925, so that schedule "A" shall be twenty-one (21) cents less than the basic rate and schedule "B" shall be seventeen (17) cents less than the basic rate established in Decision No. 11243, in Application No. 8173.

It is hereby further ordered, that Coast Valleys Gas and Electric Company file with the Commission on or before November 20, 1925, a revision of its schedules as herein authorized.

Dated at San Francisco, California, this tenth day of November, 1925.

DECISION No. 15629.

IN THE MATTER OF THE INVESTIGATION OF GAS RATES, SERVICE AND OPERATIONS OF COAST COUNTIES GAS AND ELECTRIC COMPANY ON THE COMMISSION'S OWN MOTION.

Case No. 1660.

Decided November 10, 1925.

RATES—GAS—AUTOMATIC ADJUSTMENT.—Coast Counties Gas and Electric Company directed to reduce gas rates six cents per 1000 cubic feet in Santa Cruz and Pittsburg, and seven cents per 1000 cubic feet in Watsonville.

BY THE COMMISSION.

EIGHTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 9840 (20 C. R. C. 952) in the above entitled matter, this Commission provided, with reference to schedules Nos. 1, 2 and 5, of the Coast Counties Gas and Electric Company, that such rates would be subject to increase or decrease upon approval of the

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Railroad Commission on the basis of three (3) cents per thousand cubic feet for each ten (10) cent increase or decrease, respectively, in the price of oil above or below the price of $1.65 per barrel f. o. b. Santa Cruz and $1.73 per barrel f. o. b. Watsonville; and,

Whereas, in Decision No. 9725 (20 C. R. C. 810) this Commission provided, with reference to schedules Nos. 1 and 3 therein established for Contra Costa Gas Company, that such rates would be subject to increase or decrease upon approval of the Railroad Commission on the basis of three (3) cents per thousand cubic feet for each ten (10) cent increase or decrease, respectively, in the price of oil above or below the price of $1.64 per barrel f. o. b. Pittsburg; and,

Whereas, the property of Contra Costa Gas Company has been purchased by Coast Counties Gas and Electric Company and schedules Nos. 1 and 3 of Contra Costa Gas Company, as referred to in Decision No. 9725, are now designated as schedules Nos. 7 and 9 of Coast Counties Gas and Electric Company; and

Whereas, Coast Counties Gas and Electric Company now makes affidavit that on October 27, 1925, the price of oil was reduced to $1.20 per barrel in Santa Cruz, $1.27 per barrel in Watsonville, and $1.10 per barrel in Pittsburg, which is forty-five (45) cents less than the base price for Santa Cruz and forty-six (46) cents less than the base price for Watsonville, upon which rates were established in Decision No. 9840 for Santa Cruz and Watsonville, and fifty-four (54) cents less than the base price upon which rates were established in Decision No. 9725 for Pittsburg;

It is hereby ordered, that Coast Counties Gas and Electric Company reduce its present rates designated as schedules Nos. 1, 2 and 5, effective for all regular meter readings taken on and after November 26, 1925, so that said rates shall be thirteen (13) cents per thousand cubic feet less than the basic rate for schedule No. 1 and fourteen (14) cents per thousand cubic feet less than the basic rates for schedules Nos. 2 and 5, established in Decision No. 9840 for Santa Cruz and Watsonville, and reduce its present rates designated as schedules Nos. 7 and 9, effective for all regular meter readings taken on and after November 26, 1925, so that said rates shall be sixteen (16) cents less than the basic rates established in Decision No. 9725.

It is hereby further ordered, that Coast Counties Gas and Electric Company file with the Commission a revision of its schedules to comply with this order on or before November 20, 1925.

Dated at San Francisco, California, this tenth day of November, 1925.

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DECISION NO. 15630.

IN THE MATTER OF THE INVESTIGATION ON THE COMMISSION'S OWN MOTION INTO THE REASONABLENESS OF RATES OF THE WESTERN STATES GAS AND ELECTRIC COMPANY, FOR SERVICE OF GAS IN THE CITY OF STOCKTON.

Case No. 1664.

Decided November 10, 1925.

RATES—GAS—AUTOMATIC ADJUSTMENT.—Western States Gas and Electric Company directed to reduce gas rates three cents per 1000 cubic feet in Stockton.

BY THE COMMISSION.

SECOND SUPPLEMENTAL ORDER.

Whereas, in Decision No. 13332 (24 C. R. C. 677) in the above entitled matter, this Commission provided, with reference to schedule "A" therein established, that such rates, with the exception of the first block, would be subject to increase or decrease, upon approval of the Railroad Commission, on the basis of one and one-half (1½) cents per thousand cubic feet for each ten (10) cent increase or decrease in the price paid for oil above or below the price of $1.15 per barrel f. o. b. Stockton; and,

Whereas, Western States Gas and Electric Company now makes affidavit that on October 27, 1925, the price paid for oil was decreased by twenty-one (21) cents per barrel from $1.40 per barrel to $1.19 per barrel, f. o. b. Stockton, which is four (4) cents per barrel more than the basic price upon which rates were established in Decision No. 13332;

It is hereby ordered, that Western States Gas and Electric Company reduce its present rates designated as schedule "A," effective for all meter readings taken on and after November 26, 1925, so that said rates shall be one (1) cent per thousand cubic feet more than the basic rate established in Decision No. 13332.

It is hereby further ordered, that Western States Gas and Electric Company file with the Commission on or before November 20, 1925, a revision of its schedules as herein authorized.

Dated at San Francisco, California, this tenth day of November, 1925.

DECISION NO. 15631.

IN THE MATTER OF THE INVESTIGATION BY THE COMMISSION, ON ITS OWN MOTION, INTO THE REASONABLENESS OF THE GAS RATES OF SAN JOAQUIN LIGHT AND POWER CORPORATION, IN THE CITIES OF SELMA AND MERCED.

Case No. 1803.

Decided November 10, 1925.

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RATES—GAS—AUTOMATIC ADJUSTMENT. San Joaquin Light and Power Corporation directed to reduce gas rates four cents per 1000 cubic feet in Selma and Merced, and one cent per 1000 cubic feet at Bakersfield.

BY THE COMMISSION.

FOURTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 11092 (22 C. R. C. 383) in the above entitled matter, this Commission provided, with reference to schedules "A" and "C" of San Joaquin Light and Power Corporation, that such rates would be subject to decrease upon approval of the Railroad Commission on the basis of three (3) cents per thousand cubic feet for each ten (10) cent decrease in the cost of oil below the price of $1.97 per barrel f. o. b. Selma and $2 per barrel f. o. b. Merced; and,

Whereas, the San Joaquin Light and Power Corporation subsequently filed with this Commission schedule "D" effective on May 1, 1925, under Special Permit No. 250416-109-G, subject to increase or decrease of one and one-half (1½) cents per thousand cubic feet for each ten (10) cent increase or decrease in the cost of oil above or below the price of $1.40 f. o. b. Bakersfield, but in no instance less than eighteen (18) cents per thousand cubic feet; and,

Whereas, San Joaquin Light and Power Corporation now makes affidavit that on October 27, 1925, the price paid for oil was decreased to $1.45 per barrel f. o. b. Merced, $1.42 per barrel f. o. b. Selma and 90 cents per barrel f. o. b. Bakersfield;

It is hereby ordered, that San Joaquin Light and Power Corporation decrease its present rates designated as schedules "A," "C" and "D" effective for all meter readings taken on and after November 26, 1925, so that said rates designated as schedules "A" and "C" shall be sixteen (16) cents per thousand cubic feet less than the basic rates established in Decision No. 11092, and schedule "D" shall be three (3) cents per thousand cubic feet less than the basic rate filed with this Commission under Special Permit No. 250416-109-G.

It is hereby further ordered, that San Joaquin Light and Power Corporation file with the Commission on or before November 20, 1925, revisions of its schedules as herein authorized.

Dated at San Francisco, California, this tenth day of November, 1925.

DECISION NO. 15634.

IN THE MATTER OF THE APPLICATION OF SOUTHERN PACIFIC RAILROAD COMPANY AND ITS LESSEE, SOUTHERN PACIFIC COMPANY, FOR AUTHORITY TO SELL TO ROY O. LONG OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, CERTAIN REAL PROPERTY IN THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, HEREINAFER PARTICULARLY DESCRIBED.

Application No. 11543.

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IN THE MATTER OF THE APPLICATION OF THE CITY OF BERKELEY FOR AN ORDER AUTHORIZING A STREET CROSSING AT GRADE ACROSS THE TRACKS AND RIGHT OF WAY OF THE SOUTHERN PACIFIC COMPANY AT THE INTERSECTION OF ITS SHATTUCK AVENUE LINE AND ADDISON STREET IN THE CITY OF BERKELEY, CALIFORNIA.

Application No. 11582.

IN THE MATTER OF THE APPLICATION OF SOUTHERN PACIFIC COMPANY FOR AN ORDER AUTHORIZING THE CONSTRUCTION AT GRADE OF TWO SPUR TRACKS ACROSS A PORTION OF STANFORD PLACE AND ACROSS CENTER STREET IN THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

Application No. 11625.

Decided November 13, 1925.

TRANSFER—STATION PROPERTY—ELECTRIC RAILROAD—GRADE CROSSING.—Southern Pacific Railroad Company and its lessee, Southern Pacific Company, authorized to sell to Roy O. Long that portion of its station reservation in the city of Berkeley lying north of Addison street, south University avenue, and between the east and west branches of Shattuck avenue, for the sum of $485,124.80. Permission also granted to city of Berkeley to extend Addison street across said station reservation, and tracks of Southern Pacific Company and Key System Transit Company, at grade. Said permission conditioned upon stationing uniformed traffic officer at said crossing from 7 a.m. to 8 p.m. daily, and until arrangements have been made to eliminate all southbound movements of interurban trains over tracks of the Key System Transit Company on the easterly side of Shattuck avenue across Addison street.

DISSENTING OPINION.—Commissioners Decoto and Brundige dissent from latter two conditions.

E. J. Foulds, for the Southern Pacific Company.
E. J. Sinclair, City Attorney, and *Oscar T. Barber*, for the City of Berkeley.
W. I. Brobeck, for Key System Transit Company.

BY THE COMMISSION.

OPINION.

In Application No. 11543, the Southern Pacific Company asks for permission to sell the portion of its station grounds at Shattuck avenue and University avenue, Berkeley, lying north of Addison street as extended across their property.

In Application No. 11582, city of Berkeley seeks permission to extend Addison street across the tracks and right of way of the Southern Pacific Company.

In Application No. 11625 (as amended at the hearing), the Southern Pacific Company asks permission to install a spur track along and across a portion of Shattuck avenue south of Center street.

These applications, as will be indicated hereinafter, deal with related matters and by stipulation at the public hearing on August 25, 1925, before Examiner Austin, they were consolidated for the purpose of hearing and decision.

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The Southern Pacific Company proposes to sell to Roy O. Long of Berkeley, California, certain real property particularly described hereinafter and in general described as the northerly portion of the present station grounds of Southern Pacific Company, near the intersection of University avenue and Shattuck avenue in the city of Berkeley. The consideration agreed upon for this sale is $485,124.80. This property is, at the present time, classed as operative, being a portion of applicant Southern Pacific Company's station grounds and occupied by two spur tracks used for storage of express, mail and baggage cars. A plan is proposed whereby these track facilities can be relocated in such a manner that the same public interest will be served satisfactorily. No objection has been raised to the disposal of this property by Southern Pacific Company. On the contrary, a number of important business interests in Berkeley urge that the transaction be approved. In so far as Application No. 11543, considered by itself, is concerned, it should be granted.

In Application No. 11625, as amended at the time of the hearing, Southern Pacific Company asks for permission to install a spur track diverging from a point on the center line of their easterly main line track, as now located on Shattuck avenue, near the north property line of Allston way, and extending therefrom in a northerly direction a distance of about 200 feet across a portion of Shattuck avenue in the manner shown in Southern Pacific Company's Exhibit No. 1. It is this track which will be used for the purpose of loading and unloading baggage, mail and express cars and is intended to serve the same public interest as the two spur tracks above referred to and now located on the property which applicant proposes to dispose of. Representatives of the Post Office Department and the American Railway Express Company testified that in so far as their respective needs were concerned, the proposed spur track would satisfactorily serve them. The city of Berkeley has consented to the construction of this track, as evidenced by the filing of Ordinance No. 14613 N. S. The Commission's transportation engineer recommended that the spur track be protected by the installation of curbs, located outside of the ties in such a manner that vehicles are prevented from passing over or blocking the track. No objection to the construction of the spur track appearing, Application No. 11625 should be granted.

The city of Berkeley, in Application No. 11582, asks for permission to construct Addison street at grade across the tracks and right of way of the Southern Pacific Company's Shattuck avenue line.

Shattuck avenue is the principal north and south business street in Berkeley and one of its most important traffic arteries. There is, at Addison street, a double track interurban line of the Southern Pacific

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Company, a single track interurban line of the Key System and a single track street car line of the Key System, in addition to two-way vehicular traffic on either side of the street. As a further complication, at the point of the proposed crossing of Addison street, the westerly side of Shattuck avenue, including the Southern Pacific interurban tracks, is separated from the easterly side by the width of the Southern Pacific station grounds, a distance of about 100 feet. The traffic situation along this street is far from ideal and has been made the subject of study by a committee of engineers, representing the two transit companies, the city of Berkeley and this Commission. The report of this committee was introduced in evidence in this proceeding as Commission's Exhibit No. 1, to which reference will later be made.

Addison street, it appears, is open from Shattuck avenue easterly to Oxford street, a distance of one block and westerly from Shattuck avenue to the waterfront. Addison street is paralleled by University avenue, 278 feet north, the latter being Berkeley's principal east and west traffic axis, 100 feet in width, extending from Oxford street to the West Berkeley waterfront. The next street south of Addison street is Center street, which is open from Grove street east across Shattuck avenue to Oxford, connecting with an entrance to the University of California.

Southern Pacific Company does not oppose the granting of the Addison street crossing.

Evidence as to necessity for this crossing was given mainly by representative business interests in the vicinity. It appears that the granting of this crossing will open up the business district at this location by giving better access from the east side to the west side of Shattuck avenue and vice versa. It is expected that the opening will increase property values in the vicinity and thus add to the taxable wealth of the city. Many witnesses testified that the granting of the crossing would be to the best interests of the city.

It further appears that if Addison street were opened, traffic would be diverted thereto from both University avenue and Center street, thus lessening the volume of traffic on both of these streets.

Mr. August Vollmer, chief of police of the city of Berkeley, testified that there would be no undue hazard at the proposed crossing. He further testified that a semaphore system for the control of traffic on Shattuck avenue from University to Dwight way, which would also have control over interurban trains on Shattuck avenue, was under consideration by the city and which, if installed, should provide adequate protection at this crossing, although he stated that the control for inter-

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urban trains was not fully worked out. He stated that the curbing off of the interurban tracks, so as to properly define the street area in which vehicles are permitted, would tend to decrease the hazard.

Witness representing the Traffic Bureau of the Police Department estimated that the vehicular traffic on Addison street, if opened, would be double that now crossing Shattuck avenue at Channing way. The record shows that the traffic at Channing way is about 1000 vehicles per day. He also testified that in his opinion the public would insist that the Key System operate its trains during all portions of the day so as to not block Addison street while standing at the station.

Mr. J. C. McPherson, superintendent for Southern Pacific Company, expressed the opinion that, due to the operation of trains over this crossing at slow speed, no protection would be needed if the crossing were granted, and stated that it might be arranged to stop their southbound trains and such of the northbound trains as did not now stop before crossing.

Mr. A. G. Mott, transportation engineer for the Commission, testified that protection of the crossing by requiring Southern Pacific trains to stop was not in the public interest and that it would result in delay to passengers riding on the trains. Such a policy of grade crossing protection would, if carried out at other crossings on Shattuck avenue, reduce the interurban service to nothing more than a local street car line and deprive the citizens of Berkeley and the public generally, that have occasion to use that line, of fast and adequate transportation to San Francisco. He questioned the practicability of protecting this crossing by automatic signal control. It was pointed out that due to the fact that Addison street is adjacent to a station stop on the Southern Pacific and the terminal of the Key System, any effective and safe automatic control would cause excessive delays either to the vehicular traffic or the railroad traffic or both. It was recommended that protection for this crossing, if authorized, should be provided by the stationing of a uniformed police officer in effective control of all traffic, both vehicular and railroad, at the crossing during the hours of 7 a.m. to 8 p.m. daily.

Mr. Mott pointed out that the opening of Addison street across the Southern Pacific would create a hazardous condition at the crossing of the Key System Transit Company's tracks, at which point there are a total of 54 movements northbound and 54 movements southbound daily over the Key System's interurban track and 336 movements northbound and 118 movements southbound over the street car track. He recommended that southbound interurban train movements on the Key System track at this point be prohibited if Addison street is opened.

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As a further means of protection of the Addison street crossing, it was recommended that the street area devoted to vehicular traffic should be curbed off from the Southern Pacific right of way so as to restrict the driving of vehicles over railroad tracks to well defined limits of the crossing where some protection may be afforded.

As before stated, there was introduced in evidence a report of a committee of engineers representing the city of Berkeley, Southern Pacific Company, Key System Transit Company and the California Railroad Commission, on relief of traffic conditions along Shattuck avenue and Adeline street from University avenue to the southerly limits of the city. It appears that the recommendations above noted, affecting safety of traffic if the Addison street crossing is constructed, are not inconsistent with the conclusions and recommendations given in the joint engineering committee's report with reference to Shattuck avenue.

Among these recommendations there was also one to the effect that some five crossings over the tracks of Southern Pacific along Adeline street be closed. Although there appears in this record no objection to the closing of these streets, and it is entirely probable that it would be in the public interest to thus eliminate the public hazard at these points, it appears to this Commission that since these crossings are located so as to serve an entirely different portion of the city of Berkeley, the conditions at these crossings are not sufficiently related to the subject matter of the present proceedings to justify the Commission taking any action with regard to them in the present decision.

It appears, after consideration of the evidence, that the proposed crossing, if authorized, should be protected between the hours of 7 a.m. and 8 p.m. daily by the stationing of a uniformed police officer in control of all traffic at the crossing. All interurban train movements on the east side of Shattuck avenue, formerly known as Stanford place, should be made in a northbound direction only. There are two important reasons for imposing this restriction: first, the track upon which these Key Route trains operate is close to the property line and with a building constructed upon the property north of the proposed Addison street crossing, a serious obstruction to view will result; and second, movements of these trains against the current of normal traffic at this point will increase the confusion of a crossing situation which, at best, will be complicated. The interurban tracks of Southern Pacific Company should be curbed off so as to prevent vehicular travel thereover between Center street and University avenue, except at the actual crossing at Addison street.

No evidence was introduced with respect to the equitable division of cost of a uniformed police officer for the protection of this crossing, if

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required. It is possible that the most equitable division of cost could be arrived at by negotiation after reasonable opportunity between these parties. The present order, therefore, will provide that the cost shall be divided in accordance with an agreement between the city of Berkeley and Southern Pacific Company, filed with this Commission for approval within six months of the date of this order, or in the absence of the filing of such an agreement, which shall meet with the approval of this Commission, at that time, said cost shall be divided in accordance with the provisions of a supplemental order of this Commission.

After a careful consideration of all of the evidence, it is concluded that public convenience and necessity justify the opening of Addison street only on condition that it be made a safe and convenient crossing by providing adequate protection and a good quality of crossing construction. The application of the city of Berkeley will therefore be granted, subject to the carrying out of the conclusions previously arrived at respecting the safety of the crossing.

ORDER.

The above entitled applications having been filed with this Commission, a public hearing having been held, the matter being under submission and ready for decision; therefore,

It is hereby ordered, that said Southern Pacific Railroad Company and its lessee, Southern Pacific Company, be and they are hereby authorized to sell to Roy O. Long of the city of Berkeley, county of Alameda, State of California, that certain real property in the city of Berkeley, county of Alameda, State of California, particularly described as follows:

Beginning at the intersection of the southerly line of University avenue with the westerly line of Shattuck avenue (65 feet wide, formerly Stanford place); thence south 6° 40′ east along the said westerly line of Shattuck avenue (formerly Stanford place), a distance of 277 feet to a point; thence south 2° 36′ west a distance of 6.768 feet to a point in the northerly line of Addison street produced easterly; thence south 79° 23′ 30″ west along said easterly production of the northerly line of Addison street, a distance of 104.512 feet to a point distant 18.50 feet easterly at right angles from the surveyed center line between the present operated double tracks of the Southern Pacific Railroad Company's Shattuck avenue electric line; thence north 6° 40′ west, parallel to and 18.5 feet at right angles easterly from the said surveyed center line, a distance of 22.943 feet to a point; thence northerly parallel to and 18.50 feet at right angles easterly from the said surveyed center line, on a series of compound curves, concave to the left and of decreasing radii as follows:

(a) Radius 3838.246 feet, an arc distance 30.145 feet;
(b) Radius 1928.414 feet, an arc distance 30.291 feet;
(c) Radius 1291.821 feet, an arc distance 58.289 feet;

thence continuing northerly on a series of compound curves, concave to the left of increasing radii as follows:

(d) Radius 1928.414 feet, an arc distance 30.291 feet;
(e) Radius 3838.246 feet, an arc distance 30.145 feet;

to end of curve (the tangent to the first curve of the series is the last described course); thence north 11° 57′ 07″ west parallel to and 18.5 feet at right angles east-

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erly from the said surveyed center line (tangent to last described curve), a distance of 75.028 feet to a point in the said southerly line of University avenue; thence north 79° 18' 30" east along the said southerly line of University avenue, a distance of 119.840 feet to the point of beginning. Containing an area of 30,320.3 square feet equals 0.696 of an acre, more or less.

for a consideration of four hundred eighty-five thousand, one hundred twenty-four and 80/100 dollars ($485,124.80); subject to the following conditions, viz:

(1) Nothing herein contained shall be construed as a determination by the Commission of the value of this property, or any portion thereof, for any purpose other than the transfer herein authorized.

(2) Applicant Southern Pacific Company shall within ninety (90) days of the date hereof, furnish this Commission with a certified copy of the instrument by which the transfer herein authorized is made.

It is hereby further ordered, that permission and authority be and it is hereby granted to the city of Berkeley, county of Alameda, State of California, to construct Addison street at grade across the tracks and right of way of Southern Pacific Company, as follows:

Beginning at the southwest corner of lot 26 as said lot is shown on the map entitled "Terminal Tract" filed in the office of the county recorder of Alameda County, April 15, 1878, said point being the intersection of the northern line of Addison street with the eastern line of Shattuck avenue, formerly known as Stanford place, and running thence westerly parallel with the southern line of University avenue two hundred fifty (250) feet; thence at right angles southerly fifty-nine (59) feet; thence easterly parallel with the southern line of University avenue two hundred fifty (250) feet to a point, thence northerly at right angles, a distance of fifty-nine (59) feet to the point of beginning.

Excepting from the above described area, the area of all public streets or avenues contained therein.

and as shown by the maps (Exhibits "A," "B" and "C") attached to the application, said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing shall be borne by applicant city of Berkeley. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant city of Berkeley. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant city of Berkeley for the construction of maintenance of said crossing, shall be assessed by applicant city of Berkeley, in any manner whatsoever, to the operative property of the Southern Pacific Company.

(2) The crossing shall be constructed of a width to conform to the existing width of Addison street and at an angle of approximately 85 degrees to the railroad and with grades of approach not greater than

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two (2) per cent, shall be constructed substantially in accordance with Standard No. 3, as specified in General Order No. 72 of this Commission, shall be protected by a suitable overhead crossing sign, shall be suitably curbed so as to prevent the unauthorized use of the track and right of way of Southern Pacific Company between University avenue and Center street, except at said crossing of Addison street, and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Said crossing shall be protected by the stationing of a uniformed police officer in control of all traffic at the crossing during the hours 7 a.m. to 8 p.m. daily. Cost of said officer or officers shall be divided in accordance with an agreement between applicant city of Berkeley and Southern Pacific Company, to be hereafter filed with and subject to the approval of this Commission, provided that if such agreement has not been executed and filed with this Commission within six months of the date of this order, said cost shall be divided in accordance with a supplemental order in this proceeding.

(4) Applicant city of Berkeley shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) If said crossing shall not have been installed within one (1) year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) Applicant city of Berkeley shall not permit traffic to move over the crossing herein authorized until arrangements have been made to eliminate all southbound movements of interurban trains over tracks of the Key System Transit Company on the easterly side of Shattuck avenue (Stanford place) across Addison street.

It is hereby further ordered, that permission and authority be and it is hereby granted to Southern Pacific Company to construct a spur track at grade in a portion of Shattuck avenue in the city of Berkeley, county of Alameda, State of California, as follows:

Commencing at a point on the easterly line of that certain thirty-five foot strip in Shattuck avenue, Berkeley, California, reserved to the Southern Pacific Railroad Company for railroad purposes, said point being distant eighty-five feet, more or less, measured northerly along said easterly line from the northerly line of Allston way, thence northerly and parallel with the easterly line of Stanford place or Shattuck avenue, as it exists between Allston way and Center street, a distance of one hundred and eighteen feet, more or less, to the southerly line of a park or grass plot now existing in said Shattuck avenue between Allston way and Center street.

and as shown by the map (Drawing No. 3917) filed as Southern Pacific Company's Exhibit No. 1, on August 25, 1925, said crossing to be constructed subject to the following conditions, viz:

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(1) The entire expense of constructing said spur track crossing shall be borne by applicant Southern Pacific Company.

(2) Said spur track shall be curbed off from the paved portion of the street by the construction of suitable curbs parallel with the rail and distant therefrom not more than three (3) feet, said curbing to effectively prevent the occupancy of the track by vehicles.

(3) Applicant Southern Pacific Company shall remove crossover and single track branchoff now installed near Addison street, immediately upon completion of said crossing herein authorized.

(4) Applicant Southern Pacific Company shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

It is hereby further ordered, that the Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of the crossings herein authorized as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this thirteenth day of November, 1925.

C. L. SEAVEY,
GEORGE D. SQUIRES,
LEON O. WHITSELL,
Commissioners.

I hereby concur in all portions of the above opinion opening Addison street except the third and the sixth provisions of this order as set forth on page 199 hereof.

EZRA W. DECOTO,
Commissioner.

I concur with the opinion expressed by Commissioner Decoto.

H. W. BRUNDIGE,
Commissioner.

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DECISION No. 15636.

IN THE MATTER OF THE INVESTIGATION ON THE COMMISSION'S OWN MOTION FOR THE PURPOSE OF PRESCRIBING A NEW UNIFORM SYSTEM OF ACCOUNTS FOR ALL ELECTRIC AND GAS CORPORATIONS OTHER THAN THOSE AFFECTED BY DECISIONS NUMBERS 11353 AND 12691.

Case No. 2173.

Decided November 13, 1925.

INVESTIGATION—COMMISSION'S OWN MOTION—GAS AND ELECTRIC UTILITIES—UNIFORM SYSTEM OF ACCOUNTS.—Class B and Class C gas and electric utilities ordered to keep uniform systems of accounts. Utilities authorized to keep their accounts according to a higher classification, but having elected to enter a higher class, the permission of the Commission will be necessary before the utility may return to a lower class.

D. L. Beard, for Napa Valley Electric Company.
Albert Caspar, for Vallejo Electric Light and Power Company.
J. W. Hellwick, for Sacramento Gas Company.
Edward Morris, for Central Mendocino County Power Company.
A. C. Johnston, for Producers Gas and Fuel Company and Valley Natural Gas Company.

WHITSELL, *Commissioner*.

OPINION.

This is a proceeding instituted on the Commission's own motion for the purpose of prescribing a new system of accounts for all those electric and gas corporations not affected by Decision No. 11353, dated December 13, 1922, in Case No. 1845, and Decision No. 12691, dated October 13, 1923, in Case No. 1940.

By Decision No. 11353 the Commission ordered and directed all electric corporations (Class A corporations) whose annual operating revenues exceeded $250,000 to keep, on and after January 1, 1923, their accounts and records in accordance with the system of accounts as set forth in Commission's "Exhibit A amended," filed in Case No. 1845; and by Decision No. 12691 the Commission ordered and directed all gas corporations (Class A corporations) whose annual operating revenues exceeded $250,000 to keep, on and after January 1, 1924, their accounts and records in accordance with the system of accounts as set forth in Commission's "Exhibit A amended," filed in Case No. 1940.

The system of accounts, as set forth in the exhibits filed in Decisions Nos. 11353 and 12691 were prescribed and adopted by this Commission for the purpose of securing more valuable information, both to the utility and to the Commission, than was possible under the system previously in effect.

In its order of September 23, 1925, instituting the above numbered proceeding, the Commission directed that all electric and gas corpora-

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tions (other than those affected by Decisions No. 11353 and No. 12691) be given an opportunity to appear at the hearing had on October 13th and show cause, if any they had, why the Commission should not adopt and prescribe for said corporations the uniform system of accounts, and rules and regulations adopted and prescribed by said Decisions No. 11353 and No. 12691. At the hearing the proposal of the Commission was outlined by Thomas G. Hughes, special accountant for the Commission, who submitted Commission's "Exhibits Nos. 1, 3 and 4" relating to electric corporations, and "Exhibits Nos. 2, 5 and 6" relating to gas corporations. No changes were suggested in the Commission's proposal at or since the hearing by representatives of the utilities.

For the purpose of recording their operating expenses, electric and gas corporations having annual operating revenues exceeding $50,000 but not over $250,000 will, as stated at the hearing, be styled "Class B corporations," and those having operating revenues of $50,000 or less will be styled "Class C corporations."

Attached to this decision, as exhibits, are indexes giving the captions and account numbers of the condensed operating expense accounts that shall be kept by Class B and Class C electric and gas corporations. The text of said operating expense accounts appears in the uniform system of accounts prescribed for Class A electric and gas corporations.

Exhibit D, based on Commission's Exhibit No. 3, is an index giving the captions and account numbers of the operating expense accounts that shall be kept by Class B electric corporations.

Exhibit E, based on Commission's Exhibit No. 4, is an index giving the captions and account numbers of the operating expense accounts that shall be kept by Class C electric corporations.

Exhibit F, based on Commission's Exhibit No. 5, is an index giving the captions and account numbers of the operating expense accounts that shall be kept by Class B gas corporations.

Exhibit G, based on Commission's Exhibit No. 6, is an index giving the captions and account numbers of the operating expense accounts that shall be kept by Class C gas corporations.

The electric and gas corporations referred to herein will, on and after January 1, 1926, be relieved from keeping their accounts and records relating to electric and gas operations, as required by the uniform system of accounts in effect prior to that date.

Section 48 of the Public Utilities Act provides:

> "Where the Commission has prescribed the form of accounts, records or memoranda to be kept by any public utility for any of its business, it shall thereafter be unlawful for such public utility to keep any accounts, records or memoranda for such business other than those so prescribed, or those prescribed by or under the authority of any other state of the United States, excepting such accounts, records or memoranda as shall be explanatory of, and

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supplemental to, the accounts, records or memoranda prescribed by the Commission."

I herewith submit the following form of order:

ORDER.

A public hearing having been held in the above entitled matter and the Commission having given due consideration to the evidence submitted at such hearing;

It is hereby ordered and directed, that on and after January 1, 1926, all Class B electric corporations must keep their accounts and records in accordance with the uniform system of accounts, as set forth in the Commission's Exhibit No. 1 filed in this proceeding, modified to the extent that the operating expense accounts shown therein are condensed in accordance with the index attached hereto and marked "Exhibit D"; that all Class C electric corporations must keep their accounts and records in accordance with the uniform system of accounts, as set forth in the Commission's Exhibit No. 1 filed in this proceeding, modified to the extent that the operating expenses shown therein are condensed in accordance with the index attached hereto marked "Exhibit E"; that all Class B gas corporations must keep their accounts and records in accordance with the uniform system of accounts, as set forth in the Commission's Exhibit No. 2 filed in this proceeding, modified to the extent that the operating expenses shown therein are condensed in accordance with the index attached hereto marked "Exhibit F"; that all Class C gas corporations must keep their accounts and records in accordance with the uniform system of accounts, as set forth in the Commission's Exhibit No. 2 filed in this proceeding, modified to the extent that the operating expenses shown therein are condensed in accordance with the index attached hereto marked "Exhibit G"; provided that where a corporation coming under Class B desires to keep its accounts and records as now prescribed by the Commission's orders for Class A corporations, or where a corporation coming under Class C desires to keep its accounts and records as now prescribed by the Commission's orders for Class A corporations, as herein prescribed for Class B corporations, it is permitted to do so, provided, that having elected to enter a senior class it can not later, except by permission of the Commission, change to the class to which it belongs.

It is hereby further ordered and directed, that the electric and gas corporations referred to herein be and they are hereby relieved on and after January 1, 1926, from keeping their accounts and records relating to electric and gas operations in accordance with the system of accounts in effect prior to January 1, 1926.

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The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this thirteenth day of November, 1925.

EXHIBIT D.

CLASSIFICATION OF OPERATING EXPENSE ACCOUNTS FOR CLASS B ELECTRIC CORPORATIONS.

(For text of accounts see Uniform System of Accounts prescribed for Class A Electric Corporations.)

I. Production Expenses.

1. Steam Power Generation.

(a)	Operation:	
	701	Superintendence.
	702 to 704	Labor.
	705	Fuel.
	706, 707	Supplies and expenses.
(b)	Maintenance:	
	711	Maintenance of structures.
	712 to 717	Maintenance of plant and equipment.
(c)	Miscellaneous items:	
	721	Production rents.
	722	Steam from other sources.

2. Hydraulic Power Generation.

(a)	Operation:	
	731	Superintendence.
	732 to 734	Labor.
	735	Supplies and expenses.
(b)	Maintenance:	
	741	Maintenance of structures.
	742 to 746	Maintenance of dams, penstocks, etc.
	747 to 751	Maintenance of plant and equipment.
(c)	Miscellaneous items:	
	756	Production rents.
	757	Water from other sources.

3. Gas Power Generation.

(a)	Operation:	
	761	Superintendence.
	762 to 764	Labor.
	765	Engine fuel.
	766, 767	Supplies and expenses.
(b)	Maintenance:	
	771	Maintenance of structures.
	772 to 776	Maintenance of plant and equipment.
(c)	Miscellaneous items:	
	781	Production rents.
	782	Power gas from other sources.

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4. Miscellaneous Production Expenses.

791	Electric energy from other sources.

II. Transmission Expenses.

(a) Operation:

801	Transmission superintendence.
802 to 804; 806, 807	Transmission labor and expenses.

(b) Maintenance:

811	Maintenance of transmission structures.
812 to 820	Maintenance of transmission system.

(c) Miscellaneous items:

831	Transmission rents.

III. Distribution Expenses.

(a) Operation:

841	Distribution superintendence.
842, 843	Distribution sub-station labor and expenses.
844	Storage battery supplies and expenses.
845 to 848	Labor and expenses distribution lines.
849	Removing and resetting transformers.
850 to 852	Removing and resetting meters.
853	Miscellaneous distribution expenses.

(b) Maintenance:

861	Maintenance distribution structures.
862 to 869	Maintenance distribution system.
870	Maintenance consumers meters.
871	Maintenance of miscellaneous distribution capital.

(c) Miscellaneous items:

881	Distribution rents.

IV. Utilization Expenses.

901, 902, 911, 912	Commercial lamps operation and maintenance.
903, 904, 913	Municipal lamps operation and maintenance.
914, 915	Maintenance miscellaneous utilization capital.

V. Commercial Department Expenses.

921 to 926	Commercial department supplies and expenses.
931 to 936	New business expenses.

VI. General and Miscellaneous Expenses.

941	Pay and expenses of general officers.
942	Pay and expenses of other general office employees.
943 to 945; 947	General office supplies and expenses.
946	Law expenses—general.
948	Insurance.
949	Injuries and damages.
950	Relief and welfare work.
951	Regulatory commission expenses.
952, 953	Other miscellaneous expenses.
954 to 956	Maintenance miscellaneous structures and equipment.
718, 752, 777, 821 / 872, 916, 957	Repairs charged to reserves—Cr.
958	Depreciation expenses—general.
959	Depreciation adjustments.
723, 758, 783, 792 / 832, 882, 960	Joint operating expenses—Dr.
724, 759, 784, 793 / 833, 883, 961	Joint operating expenses—Cr.

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EXHIBIT E.

CLASSIFICATION OF OPERATING EXPENSE ACCOUNTS FOR CLASS C ELECTRIC CORPORATIONS.

Account numbers.[1]	*Title of Account.*
701 to 784 } 792 to 793 }	Production expenses and repairs to capital.
791	Electric energy from other sources.
801 to 833	Transmission expenses and repairs to capital.
841 to 916	Distribution expenses and repairs to capital.
921 to 926	Commercial department expenses.
931 to 936	New business expenses.
941 to 945; 947	Pay of general office employees and expenses of general office.
946	Law expenses—general.
948	Insurance.
949 to 957 } 960 to 961 }	Miscellaneous general expenses and miscellaneous general repairs.
958 to 959	Depreciation expense.

EXHIBIT F.

CLASSIFICATION OF OPERATING EXPENSE ACCOUNTS FOR CLASS B GAS CORPORATIONS.

(For text of accounts see Uniform System of Accounts prescribed for Class A Gas Corporations.)

I. Production Expenses.

1. Manufactured Gas Production.

(a)	Operation:	
	701	Production superintendence.
	702	Production labor.
	703	Fuel for steam.
	704	Fuel for gas.
	705	Miscellaneous production supplies and expenses.
	706 to 707	By-products labor and expenses.
(b)	Maintenance:	
	711	Maintenance of production structures.
	712 to 713	Maintenance of plant and equipment.
	714	Maintenance of storage equipment.
	715 to 716	Maintenance of miscellaneous production equipment.
(c)	Miscellaneous items:	
	721	Production rents.
	722	Steam from other sources.

2. Natural Gas Production.

(a)	Operation:	
	731	Production superintendence.
	732 to 735	Operating wells and collecting system.
	736	Miscellaneous production expenses.
(b)	Maintenance:	
	741	Maintenance production structures.
	742 to 743	Maintenance wells and collecting system.
	744 to 746	Maintenance miscellaneous production equipment.
(c)	Miscellaneous items:	
	751	Production rents.
	756	Gas from other sources.

[1]The text of accounts, the numbers of which are stated above, appears in the Uniform System of Accounts prescribed for Class A electric corporations.

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II. TRANSMISSION EXPENSES.

(a) Operation:	
761	Transmission superintendence.
762 to 763	Operating lines and compressor stations.
764 to 765	Miscellaneous transmission expenses.
(b) Maintenance:	
771 to 777	Maintenance transmission system.
(c) Miscellaneous items:	
781	Transmission rents.

III. DISTRIBUTION EXPENSES.

(a) Operation:	
791	Distribution superintendence.
792 to 794	Distribution labor and expenses.
795	Removing and resetting meters and regulators.
796	Meter department salaries and expenses.
797	Inspection consumers premises.
798	Street lighting equipment—operation.
799	Miscellaneous distribution labor and expenses.
(b) Maintenance:	
801 to 810	Maintenance distribution structures.
(c) Miscellaneous items:	
815	Distribution rents.

IV. COMMERCIAL DEPARTMENT EXPENSES.

821 to 826	Commercial department supplies and expenses.
831 to 836	New business expenses.

V. GENERAL AND MISCELLANEOUS EXPENSES.

841	Pay and expenses of general officers.
842	Pay and expenses of other general office employees.
843 to 845; 847	General office supplies and expenses.
846	Law expenses.
848	Insurance.
849	Injuries and damages.
851	Relief and welfare work.
852	Regulatory commission expenses.
853 to 854	Other miscellaneous expenses.
855 to 857	Maintenance miscellaneous structures and equipment.
717, 747, 778 / 811, 858	Repairs charged to reserves—Cr.
859	Depreciation expenses.
861	Depreciation adjustments.
723, 752, 782, 816, 862	Joint operating expenses—Dr.
724, 753, 783, / 817, 863	Joint operating expenses—Cr.
871	Expenses of by-products.

EXHIBIT G.

CLASSIFICATION OF OPERATING EXPENSE ACCOUNTS FOR CLASS C GAS CORPORATIONS.

Account numbers.[1]	*Title of Account.*
701 to 753	Production expenses and repairs to capital.
756	Gas from other sources.
761 to 783	Transmission expenses and repairs to capital.

[1]The text of accounts, the numbers of which are stated above, appears in the Uniform System of Accounts prescribed for Class A gas corporations.

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791 to 817	Distribution expenses and repairs to capital.
821 to 826	Commercial department expenses.
831 to 836	New business expenses.
841 to 845; 847	Pay of general office employees and expenses of general office.
846	Law expenses—general.
848	Insurance.
849 to 854 855 to 857 862 to 863	Miscellaneous general expenses and miscellaneous general repairs.
859 to 861	Depreciation expenses.
871	Expenses of by-products sold.

DECISION No. 15637.

IN THE MATTER OF THE APPLICATION OF NORTHWESTERN PACIFIC RAILROAD COMPANY FOR PERMISSION TO CONSTRUCT AND MAINTAIN AN INDUSTRIAL SPUR TRACK ACROSS THE TOLL ROAD, IN THE CITY OF SAN RAFAEL, COUNTY OF MARIN, STATE OF CALIFORNIA.

Application No. 11693.

Decided November 13, 1925.

GRADE CROSSING—SPUR TRACK.—Application granted.

R. W. Palmer and *M. L. Gillogly*, for Applicant.
E. G. Poss, for California Highway Commission.
J. L. Martinelli, for the City of San Rafael.
Jos. K. Hawkins, for J. P. Grady.
E. K. Evans, in propria persona.

BY THE COMMISSION.

OPINION.

Northwestern Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the fourteenth day of September, 1925, asking for authority to construct an industrial spur track across the "Toll Road" in the city of San Rafael, county of Marin. It appears that this road is under the jurisdiction of the California Highway Commission and as that commission withheld its permission to construct the crossing pending decision by this Commission, the matter was set for public hearing. Such hearing was held by Examiner Satterwhite at San Rafael on October 26, 1925. At that time the interested parties were heard and the matter was submitted.

The crossing applied for is that of a spur track to serve a building material storage plant of Mr. J. P. Grady, and is located within the corporate limits of the city of San Rafael about 900 feet south of Irwin street on the highway connecting San Rafael with San Quentin and the northerly terminus of the Richmond-San Rafael Ferry and Transportation Company. This highway was recently taken over by the California Highway Commission.

The property to the south of the highway at this point is owned by the Northwestern Pacific Railroad Company and is adjacent to their

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main line south of San Rafael. The property to the north of the highway is subdivided and occupied by a number of industries. One spur track is already in existence across the highway, having been constructed some years ago to serve the property occupied by S. Cheda and Company just west of the property of E. C. Evans and Son, which the proposed spur is intended to serve. East of the Evans property is an undeveloped tract owned by the city of San Rafael and beyond this is another large undeveloped tract, both of which tracts are suitable for industrial use. All of this property has access to water transportation and is capable of being served by rail provided access to the main line of applicant can be had across the highway.

Daily traffic on the highway for the year ending March 31, 1925, is set forth on Highway Commission's Exhibit No. 1. It appears from an analysis of this data, that traffic on the highway is subject to substantial seasonal variations and that Sunday traffic is much larger than week-day traffic. The approximate number of vehicles using the highway during the summer is 700 on week days and 2200 on Sundays. During winter months the traffic averages about 300 vehicles a day on week days and about 800 vehicles on Sundays. A large part of this traffic moves during the afternoon and on week days reduces to practically nothing after the departure of the last boat of the Richmond-San Rafael Ferry about 9.40 p.m. On Sundays and holidays boats are operated later in the evening to care for the increased traffic.

The record shows that the industry will require about four to five loaded cars daily which will ordinarily result in about four train movements over the crossing on week days. The industry is not concerned as to the time of day that delivery is made. At present the railroad performs its switching in this vicinity between the hours of 7 p.m. and 7 a.m., generally doing some switching in the evening and in the early morning.

Mr. E. G. Poss, assistant engineer for the Highway Commission, stated the general policy of that commission to be opposed to the creation of any additional grade crossings by reason of the hazard and inconvenience caused to highway traffic. Highway Commission's Exhibit No. 2 shows the general layout at the proposed point of crossing and Mr. Poss recommended that the railroad company consider plans for serving all of the industrial sites east of the highway by means of a spur track so located as to create a minimum number of crossings in this vicinity. No specific plan, however, was submitted for the serving of the property under consideration other than that proposed by applicant.

Mr. M. L. Gillogly, superintendent for the Northwestern Pacific Railroad Company, testified that plans had been considered in a general

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way for serving substantially all of the property on the east side of the highway by the construction of only one grade crossing but that the cost of such a plan would be prohibitive, in view of the present and future prospective developments.

In the matter of protection, witness for applicant recommended the usual crossing sign, stating that in view of the slow speed of train movements and their usual flagging rule, no hazard should exist at the crossing. He objected to the restriction of switching to certain hours because it might, at some time, work an operating hardship on the company. Mr. Poss recommended that switching be confined to daylight hours only, because of the hazard to vehicles of freight cars being backed over the crossing at night without adequate illumination.

It appears that the industry has made an investment of about $15,000 up to the present time which would be largely wasted if permission for the crossing at the point is withheld. Mr. J. P. Grady, owner of the industry to be served, stated that he had made this investment at this location on the assumption that the permission of this Commission for such a crossing would be merely a formality, and applicant urged that because of this large investment, the present application should be granted. A similar situation has arisen in several previous proceedings and the Commission has announced that it would give no weight to such argument in determining the necessity for a grade crossing. A full discussion of this policy appears in Decision No. 10994 (22 C. R. C. 301). No consideration of this feature, therefore, will be given in this proceeding.

It appears that this industry is of such a character as to require access to both rail and water transportation, and that the surrounding district is of an industrial character. Spur track facilities are therefore essential for its development. The property, however, is bisected by a fairly important link of the state highway system and the problem before this Commission requires that weight be given not alone to present necessity and hazard but to that of the future as well. Under the present condition of traffic on the highway and on the railroad spur, the crossing can be made reasonably safe. To plan for future development would require at this time a large investment in trackage as well as expensive condemnation suits entirely out of proportion to the benefits to be derived by the industry, and would virtually result in a denial of railroad service to this industry.

If a less expensive means of laying out a crossing to serve this district were at hand, or if the highway traffic were heavier, a conclusion denying this crossing would probably be justified, but in view of the particular facts brought out in this proceeding, it is concluded after a

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careful consideration of all of the evidence that the crossing, as applied for, should be granted if reasonable means of protection are provided.

We are of the opinion that adequate protection in this instance requires that no switching should be permitted over this crossing between the hours of 10 a.m. and 10 p.m. on week days and that switching should be entirely prohibited on Sundays and holidays. Such restriction will still allow 12 hours out of each 24 during which time the railroad may switch the spur without interfering seriously with the afternoon and evening highway traffic. All movements over the crossing should be properly protected by a flagman.

ORDER.

Northwestern Pacific Railroad Company having filed the above entitled application with this Commission on September 14, 1925, asking for permission to construct a spur track at grade across the "Toll Road" in the city of San Rafael, county of Marin, State of California, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision; therefore,

It is hereby ordered, that permission and authority be and it is hereby granted to Northwestern Pacific Railroad Company to construct a spur track at grade across the "Toll Road" (California state highway) in the city of San Rafael, county of Marin, State of California, as follows:

Five feet on each side of a center line described as commencing at a point on the northerly line of the San Rafael and San Quentin Turnpike or Toll Road distant westerly measured thereon thirty-three and one-half feet from the easterly line of the tract of land conveyed by E. C. Evans to E. C. Evans and Sons by deed, dated March 16, 1909, and recorded in the office of the county recorder of the county of Marin in book of deeds 124 on page 101, thence southerly and parallel with said easterly line of said last mentioned tract of land across the said San Rafael and San Quentin Toll Road to the southerly line thereof.

and as shown by the map (C. E. 48-E-4) attached to the application; said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed substantially in accordance with standard No. 3, as specified in General Order No. 72 of this Commission, and shall be constructed of a width to conform to that portion of said road now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding two (2) per cent; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

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(3) Applicant shall, within sixty (60) days, submit a certified copy of a permit from the California Highway Commission for the construction of said crossing at grade and in the event that this is not done, the authorization herein granted for the installation of said crossing shall lapse and shall thereupon become null and void and of no further force and effect.

(4) Applicant shall not operate any train, motor, engine or car over the crossing herein granted between the hours of 10 a.m. and 10 p.m. of any week day, and shall not operate any train, motor, engine or car over this crossing at any time during any Sunday or legal holiday.

(5) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman, said flagman to be provided with a suitable lighted lantern during the night hours.

(6) Applicant shall erect and maintain on the south side of the crossing a suitable sign directing the attention of trainmen to conditions (4) and (5) as herein specified.

(7) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(8) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(9) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this thirteenth day of November, 1925.

DECISION NO. 15639.

IN THE MATTER OF THE APPLICATION OF ONTARIO POWER COMPANY FOR AN ORDER AUTHORIZING THE ISSUE OF SIX PER CENT GENERAL AND REFUNDING BONDS.

Application No. 11344.

Decided November 14, 1925.

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SECURITIES—BONDS—TO ISSUE.—Ontario Power Company authorized to issue and sell, at not less than 95 per cent of face value, plus accrued interest, $238,000 of its general and refunding mortgage bonds.

Glenn D. Smith, for Applicant.

BY THE COMMISSION.

OPINION.

Ontario Power Company, in this application, has applied to the Railroad Commission for permission to execute a mortgage and to issue and sell, at not less than 95 per cent of face value, plus accrued interest, $238,000 of general and refunding 6 per cent bonds of the series of 1925 to refund outstanding indebtedness and to finance the cost of extensions, additions and betterments.

The application shows that Ontario Power Company is engaged in the manufacture, distribution and sale of electricity, for light, heat, power and other purposes, within the cities of Ontario and Upland and adjacent rural territory. The company reports in the application that since November 1, 1923, it has been compelled to expend for extensions, additions and betterments to its plants and properties the sum of $136,793.68, which amount, it appears, was provided by surplus earnings and through short term notes and other current indebtedness. The expenditures are described in some detail in the application and in general are said to consist of the following:

Meters	$11,120 76
Transformers	20,827 71
Pole line construction	83,550 27
Miscellaneous	21,294 94
Total	$136,793 68

Applicant now seeks to reimburse itself to the extent of $136,000 on account of these expenditures. It further reports that it intends to retire the outstanding $54,000 of 7 per cent serial notes and the $48,000 of 7 per cent trust notes. The serial notes are dated July 1, 1918, mature in equal annual installments of $6,000 and are callable at par and accrued interest, and the trust notes are dated August 1, 1921, mature in equal annual installments of $4,000 and are callable at 101 and accrued interest. Both note issues were made under authority heretofore granted by the Commission to pay for properties.

To obtain the moneys necessary to reimburse the treasury for the $136,000 of capital expenditures and to pay the $102,000 of notes, applicant proposes to create a new bonded indebtedness and to issue and sell, at this time, $238,000 of bonds.

The company has filed, on November 5, 1925, a revised copy of its proposed mortgage, which appears to be in satisfactory form. The instrument provides for a total issue of $2,500,000 of general and refunding mortgage bonds, issuable in series. Those now proposed to

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be issued are designated Series of 1925, are dated July 1, 1925, mature July 1, 1955, bear interest at the rate of 6 per cent per annum, and are callable at a premium of 5 per cent if redeemed prior to or during the calendar year 1936 and if redeemed thereafter at a premium decreasing at the rate of one-half of one per cent every two years. Applicant asks permission to sell its bonds at not less than 95 and accrued interest.

ORDER.

Ontario Power Company having applied to the Railroad Commission for permission to execute a trust indenture and to issue and sell $238,000 of bonds, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue and sale of such bonds is reasonably required by applicant for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Ontario Power Company be and it is hereby authorized to execute a mortgage or deed of trust substantially in the same form as that filed in this proceeding on November 5, 1925, and to issue and sell on or before February 28, 1926, at not less than 95 per cent of face value, plus accrued interest, $238,000 of its general and refunding mortgage bonds and to use the proceeds to pay the outstanding $54,000 of serial notes and the $48,000 of trust notes and to finance in part the cost of the extensions, additions and betterments to which reference is made in the foregoing opinion.

The authority herein granted is subject to the following conditions:

1. The authority herein granted to execute a mortgage or deed of trust is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of said mortgage or deed of trust as to such other legal requirements to which such mortgage or deed of trust may be subject.

2. Applicant shall keep such record of the issue, sale and delivery of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted shall become effective when applicant has paid the fee prescribed in section 57 of the Public Utilities Act, which fee is one hundred and thirty-six dollars ($136).

Dated at San Francisco, California, this fourteenth day of November, 1925.

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DECISION No. 15640.

IN THE MATTER OF THE APPLICATION OF WILMINGTON TRANSPORTATION COMPANY FOR AUTHORITY TO READJUST FREIGHT STORAGE RATES.

Application No. 11428.

Decided November 14, 1925.

RATES—STEAMSHIP UTILITY—STORAGE.—Application of Wilmington Transportation Company for permission to increase storage rates on less than carload freight at its docks and terminals for the purpose of eliminating congestion, granted.

Gibson, Dunn and Crutcher, by *H. F. Prince*, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application of the Wilmington Transportation Company for authority under the provisions of section 63 of the Public Utilities Act to increase the rates assessed in connection with the storage of less than carload freight in its warehouses or on its platforms and premises at Wilmington and Avalon.

A public hearing was held at Wilmington, October 9, 1925, before Examiner Geary, and the matter having been duly submitted is now ready for an opinion and order.

Applicant is engaged in the transportation of passengers and freight between Wilmington, San Pedro and Avalon, Avalon being the terminal for the steamers at Catalina Island. The present storage charges are assessed after 48 hours free time, exclusive of Sundays and legal holidays, and range from 1 cent per day for freight in lots of 100 pounds or less to 5 cents per ton for freight in lots over 2000 pounds, subject to a minimum charge of 25 cents. The proposed storage charges for freight held on applicant's premises in excess of the 48 hours free time allowed will be, for the first five days 1½ cents per 100 pounds and for the sixth and each succeeding day 3 cents per 100 pounds, with a minimum charge per shipment held five days or a part thereof 25 cents, and six days or more 50 cents. The proposed rates are the same as those now assessed by all important rail carriers throughout the State of California.

Applicant is, primarily, a common carrier of persons and property and the proposed changes in its storage rates are not intended for the securing of additional revenue. An exhibit introduced by a witness for applicant shows that for the period September 1, 1924, to August 31, 1925, the total freight receipts were $80,514.53, while the storage charges for the same period amounted to but $29.03, or an average of $2.42 per month. The storage rates now in effect were established July 1, 1914, and because of their volume sometimes result in the

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freight being left in carrier's possession at Wilmington or Avalon for an unreasonable length of time. A large part of the business transacted is tourist travel and during the vacation periods of the year all depot and wharf facilities are taxed to their capacity.

The testimony showed that the principal purpose of the application is to prevent an unsatisfactory situation in the future and to standardize the rates to conform with those assessed by connecting carriers.

Giving consideration to the fact that applicant's facilities are in the main devoted to the transportation of passengers on sightseeing and vacation trips and that it is not equipped for the storage or warehousing of freight, and also to the fact that the storage charges proposed are reasonable, we are of the opinion that the application should be granted.

ORDER.

This application having been duly heard and submitted by the parties, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order;

It is hereby ordered, that applicant, the Wilmington Transportation Company, be and it is hereby authorized to establish within twenty (20) days from the date hereof charges for the storage of freight at Wilmington and Avalon, as set forth in Exhibit "A" attached to and made a part of the application.

Dated at San Francisco, California, this fourteenth day of November, 1925.

DECISION No. 15641.

IN THE MATTER OF THE APPLICATION OF ANNA MUNSON, AN INDIVIDUAL, TO SELL, AND SOUTH PARK WATER COMPANY, A CORPORATION, TO PURCHASE, A CERTAIN WATER SYSTEM KNOWN AS THE MORGAN WATER PLANT.

Application No. 11817.

Decided November 14, 1925.

TRANSFER—WATER UTILITY.—Application granted.

Hugh Gordon, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled matter the Railroad Commission is asked to make an order authorizing Anna Munson, doing business under the firm name and style of Morgan Water Plant, to sell and transfer to South Park Water Company, a corporation, all of the properties comprising the water system, together with all personal property, accounts

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receivable, claims, franchises and permits held and used in connection therewith.

The properties comprising the Morgan Water Plant and those belonging to South Park Water Company are adjoining, being located south of the city of Los Angeles and serving territory extending generally, as shown on the map filed in this proceeding as Exhibit "I," between Ninety-second street and Ionia avenue, and between Main street and Central avenue. Both systems supply water for domestic use, the Morgan Water Plant serving about 1200 consumers and operating over about 500 acres, and the South Park Water Company serving about 1000 consumers and operating over about 500 acres also. The assets and liabilities of the two companies, as of September 30, 1925, are reported as follows:

Assets: Item	Morgan Water Plant	South Park Water Company
Fixed capital	$98,871 93	$107,935 80
Cash	97 03	1,161 23
Accounts receivable	373 70	1,427 05
Materials and supplies	250 00	83 60
Deferred expenses	----------	1,500 00
Total assets	$99,592 66	$112,107 68
Liabilities:		
Net worth	$44,341 69	----------
Capital stock	----------	$97,300 00
Notes payable	5,597 97	2,000 00
Accounts payable	2,222 47	10,823 71
Purchase—money obligations	36,596 04	----------
Reserve for depreciation	10,834 49	24,883 27
Surplus—debit balance	----------	22,899 30
Total liabilities	$99,592 66	$112,107 68

The properties of the South Park Water Company were appraised by the Commission's Engineering Department in connection with application No. 10219, in which the company's rates were involved, and the original cost, as of July 1, 1924, estimated at $101,074. The properties of the Morgan Water Plant have not been appraised by the Commission's engineers. There is, however, filed in this matter as Exhibit "A," a description of such properties and an appraisal, prepared by the engineering firm of Olmstead and Gillelen, showing the estimated reproduction cost and the present value as of June 1, 1925, as follows:

Item	Reproduction cost	Depreciation	Present value
Organization expenses	$539 52	----------	$539 52
Franchises	1,000 00	----------	1,000 00
Lands devoted to water operation	7,600 00	----------	7,600 00
Buildings and structures	2,383 00	$131 29	2,251 71
Wells	10,414 50	2,006 09	8,408 41
Pumping equipment	4,975 30	560 40	4,414 90
Distribution mains	55,889 28	5,941 05	49,948 23
Distribution tanks	3,250 50	434 00	2,816 50

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Fire hydrants	$3,496 00	$87 40	$3,408 60
Services	6,970 83	418 00	6,552 83
General equipment	1,285 96	58 40	1,227 56
Totals	$97,804 89	$9,636 63	$88,168 26

In the $88,168.26, however, there is included the sum of $3,408.60 for fire hydrants which, it appears, do not belong to either of applicants. They were installed by the owner of the Morgan Water Plant on her lines, but were paid for by the board of supervisors of Los Angeles County, acting in behalf of the Green Meadows Fire Protection District, in whom ownership is said to rest. It is also said that the hydrants constitute an integral part of the system and that they will never be removed, except in the event of substituting a better article, and for these reasons and also for the reason that it is regarded as a distinct asset that the system has pipes of sufficient size to warrant the installation of fire hydrants and a water supply ample in capacity and reliability to afford a considerable measure of protection, that they are included with the other items making up the valuation.

We do not agree with the applicants, however, and we believe that the amounts representing the hydrants should be eliminated. Upon the conclusion of the program outlined in this application, title to the fire hydrants will not rest in the purchasing corporation any more than it now does in Anna Munson. We see no reason why Anna Munson is entitled to receive payment for properties she does not own and can not sell, or why South Park Water Company should be compelled to pay for properties it will not receive. Making the deduction on account of the elimination of the hydrants there would be left the sum of $84,759.66 representing the estimated present value of the remaining items included in the valuation. The order herein will permit the transfer of the properties at $84,759.66; of the purchase price pay $79,550 in cash, and the balance in short-term notes.

The record shows that Anna Munson, in addition to owning the Morgan Water Plant, owns all the outstanding stock of South Park Water Company, except two shares held by directors. This application is made to bring both properties under one ownership and to consolidate them into one system, it being thought that as a result, economies in overhead and other operating costs will be affected and that better service will be given. In this connection it is reported that the Morgan Water Plant, as now operated, obtains its supply from three wells capable of producing fifty miner's inches each, which is more than adequate to meet the present demands, and that South Park Water Company obtains the present supply from one well of the capacity equivalent to any one of the wells of the Morgan Water Plant, which supply, while now adequate, will not take care of any substantial

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increase. The consolidation will thus make available to the territory served by the South Park Water Company the larger supply of water now produced by the Morgan Water Plant and the interconnection of the two systems, it is said, will permit the economic use of the various sources of water in such a way that constant and adequate service will be assured on both systems.

It appears to us that public convenience and necessity will be served by the consolidation of the two systems and an appropriate order accordingly will be made.

ORDER.

Application having been made to the Railroad Commission for an order authorizing the transfer of the public utility water system known as the Morgan Water Plant from Anna Munson to South Park Water Company, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that public convenience and necessity will be served by the proposed transfer, and that the application should be granted as herein provided;

It is hereby ordered, that Anna Munson, doing business under the firm name and style of Morgan Water Plant, be and she is hereby authorized to sell to South Park Water Company, a corporation, for $84,759.66, all of the properties of such water system, together with all personal property, accounts receivable, claims, franchises and permits held and used in connection therewith, such properties to be transferred free and clear of indebtedness. South Park Water Company is hereby authorized to acquire said properties pursuant to the terms and conditions of this order.

The authority herein granted is subject to the following conditions:

1. The consideration for which the properties of the Morgan Water Plant are authorized to be transferred shall not be urged before this Commission or any other public body as a measure of value of such properties for rate fixing or any purpose other than this transfer.

2. Within ten days from the date on which Anna Munson relinquishes possession of the properties herein authorized to be transferred, she shall file with this Commission a certified statement indicating the date on which such possession was relinquished.

3. Anna Munson shall also file with the Commission a certified copy of the deed conveying the properties she is herein authorized to transfer within thirty days after such deed is executed.

4. South Park Water Company shall file with the Commission a statement showing the entries made by it on its books of account to record the acquisition of the properties purchased from Anna Munson.

5. The authority herein granted will become effective upon the date hereof, but will expire on March 1, 1926.

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The Railroad Commission hereby declares that public convenience and necessity require and will require South Park Water Company to maintain and operate the properties which it is herein authorized to acquire.

Dated at San Francisco, California, this fourteenth day of November, 1925.

DECISION No. 15648.

IN THE MATTER OF THE APPLICATION OF SOUTH PARK WATER COMPANY FOR AUTHORIZATION TO ISSUE BONDS.

Application No. 11827.

Decided November 20, 1925.

SECURITIES—BONDS—TO ISSUE.—Application granted.

Hugh Gordon, for Applicant.

BY THE COMMISSION.

OPINION.

In this proceeding South Park Water Company asks permission to execute a deed of trust and to issue and sell $125,000 of bonds for the purpose of financing in part the cost of acquiring the properties of the Morgan Water Plant and of paying for additions and betterments to its plants and properties.

South Park Water Company was organized on or about September 25, 1918, with an authorized capital stock of $50,000, which subsequently was increased to $150,000 divided into 1500 shares of the par value of $100 each, all common. As of September 30, 1925, the company reports outstanding $97,300 of stock, of which $300 was issued to directors for qualifying purposes and $97,000 was issued, pursuant to authority granted by the Commission, in payment for the water distributing system installed and formerly owned by South Park Land Company.

It appears that the system owned and operated by applicant is used to supply water for domestic purposes in that territory lying south of the city of Los Angeles and bounded by Main street, 104th street, South Park avenue, Pacific Electric Railroad, Central avenue, Monte Vista avenue and Ionia avenue, the territory served covering about 500 acres. Recently the Commission, by its decision in Application No. 11817, authorized applicant to acquire from Anna Munson for $84,759.66 an adjoining water system, known as the Morgan Water Plant, serving a territory of about the same area. For a description of the two water systems and a statement of the consolidation approved by

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the Commission, reference is made to said decision in Application No. 11817.

The record shows that applicant has no bonded indebtedness and, as of September 30, 1925, other indebtedness of only $12,823.71, and that it was authorized to acquire the Morgan Water Plant free and clear of all indebtedness. Applicant has, however, been authorized to pay $84,759.66 to Anna Munson for her properties, of which $79,550 is to be paid in cash and the balance in short term notes.

The present application for permission to create a bonded indebtedness and to issue bonds is made primarily for the purpose of obtaining the funds to make payment for the Morgan Water Plant. The company reports that it has made arrangements to sell $125,000 of bonds at 93.5 per cent of face value, a price yielding it $116,825, and it proposes, subject to the approval of the Commission, to use $79,550 of the proceeds for the purpose indicated and to use the remaining $37,325 for the following purposes:

To pay for additions and betterments:	
Steel tank, 150,000 gallons	$11,080 00
100,000-gallon reinforced forebay	2,800 00
Booster pump and appurtenances	3,200 00
Land for elevated tank	2,500 00
Pipe lines to connect the two systems	9,340 00
General office equipment	3,005 00
Miscellaneous	3,075 00
	$35,000 00
To pay for expenses in connection with the consolidation of the two systems and the sale of the bonds, etc.	2,325 00
Total	$37,325 00

Applicant will be required to file with the Commission a detailed statement of its construction expenditures before it will be authorized to use any moneys obtained from the sale of bonds, to pay for the same.

The proposed mortgage will secure the payment of an authorized issue of $200,000, and will be a first lien on the properties of both systems. The $125,000 of bonds now proposed to be issued will be designated Series "A," will be dated July 1, 1925, bear interest at 7 per cent per annum, be callable at 102.5 on any interest payment date prior to maturity and will mature as follows:

July 1, 1928	$5,000 00
July 1, 1929	5,000 00
July 1, 1930	5,000 00
July 1, 1931	5,000 00
July 1, 1932	7,000 00
July 1, 1933	8,000 00
July 1, 1934	9,000 00
July 1, 1935	10,000 00
July 1, 1936	11,000 00
July 1, 1937	11,000 00

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July 1, 1938	$12,000 00
July 1, 1939	13,000 00
July 1, 1940	24,000 00
Total	$125,000 00

On November 9th the Commission was notified that applicant desired to make certain changes in the copy of the proposed mortgage or deed of trust filed October 15, 1925. The proposed mortgage or deed of trust, as revised by the changes filed on November 9th, is in satisfactory form, except section 12 of article III. This section should be entirely eliminated. Originally it read:

"The company covenants and agrees that it will not increase the salary or compensation of any of its officers or directors or incur expenses of an extraordinary character, or any expense in excess of $5,000 without the written approval of the underwriter, Citizens National Company, of Los Angeles, California."

As amended it reads:

"The company covenants and agrees that it will not increase the salary or compensation of any of its officers or directors or incur expenses of an extraordinary character, or any expense in excess of five thousand dollars ($5,000.00) without the approval of the Railroad Commission of the State of California after written notice by the company to the underwriter, Citizens National Company, of Los Angeles, California, of the application of the company for an order of the Railroad Commission approving the same and a reasonable opportunity to said underwriter to appear at the hearing on said application."

Both in its original and in its amended form, said section does not meet with the Commission's approval.

ORDER.

South Park Water Company having applied to the Railroad Commission for permission to execute a mortgage or deed of trust and to issue and sell $125,000 of bonds, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue of bonds is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that South Park Water Company be and it is hereby authorized to execute a mortgage or deed of trust substantially in the same form as that filed in this proceeding and modified as indicated in the foregoing opinion, and to issue and sell on or before March 31, 1926, at not less than 93½ per cent of face value, plus accrued interest, $125,000 of its first mortgage serial 7 per cent bonds, dated July 1, 1925, and to use $79,550 of the proceeds to finance in part the cost of acquiring the Morgan Water Plant and to use the remaining proceeds to pay for extensions, additions and betterments to its plants and properties, and other purposes, provided that $35,000

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of said remaining proceeds may not be expended until the Commission by supplemental order or orders has authorized the expenditure of said $35,000 or any part thereof.

The authority herein granted is subject to the following conditions:

1. The authority herein granted to execute a mortgage or deed of trust is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of such mortgage or deed of trust as to such other legal requirements to which such mortgage or deed of trust may be subject.

2. Applicant shall keep such record of the issue, sale and delivery of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $125.

It is hereby further ordered, that South Park Water Company shall file within thirty days after the execution of said mortgage or deed of trust a certified copy thereof.

Dated at San Francisco, California, this twentieth day of November, 1925.

DECISION No. 15649.

IN THE MATTER OF THE APPLICATION OF THE RUSSIAN RIVER WATER COMPANY, A CORPORATION, FOR PERMISSION TO ISSUE STOCK.

Application No. 11845.

Decided November 20, 1925.

SECURITIES—STOCK—TO ISSUE.—Application granted.

A. F. Lemberger, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled matter Russian River Water Company asks permission to issue and sell, at par, 548 shares of its preferred stock, of the aggregate par value of $54,800, for the purpose of financing the cost of extensions, additions and betterments to its plants and properties.

The application shows that recently applicant has increased its authorized capital stock from $125,000, divided into $100,000 of

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common and $25,000 of preferred, to $250,000, divided into $100,000 of common and $150,000 of preferred. The preferred stock is entitled to cumulative dividends at the rate of 7 per cent per annum and is preferred as to assets over the common. It is redeemable, in whole or in part, on any interest payment date at par and all accumulated and unpaid dividends and after redemption may not be reissued.

At this time applicant reports outstanding $100,000 of common stock and $25,000 of preferred. In making the present request to issue an additional $54,800 of stock the company reports that during the period from January 1, 1922, to August 31, 1925, it expended for extensions, additions and betterments the sum of $68,467.86, which amount, as shown in Exhibit "C," is represented to consist of the following:

Organization	$94 24
Other intangible capital	15 00
Landed capital	14,199 17
Buildings	110 79
Springs and infiltration galleries	753 55
Pumping equipment	1,056 43
Transmission mains	1,728 58
Distribution mains	17,385 60
Distribution tanks	7,635 19
Hydrants	2,379 92
Services	2,008 56
Meters	11,618 41
General office equipment	2,219 37
Undistributed	4,591 54
Interest during construction	677 72
Maps and plots of system	1,393 70
Total	$68,467 86

Of this amount the company reports that $13,757.64 was obtained from the sale of the stock authorized by Decision No. 10354, dated April 25, 1922, leaving a balance of $54,710.22 which it alleges has not been paid for by the issue of securities but was provided by moneys represented by surplus, reserve for depreciation and current liabilities. The company therefore asks permission to use the proceeds from the sale of the $54,800 of stock applied for to pay its outstanding notes and accounts payable, to reimburse its reserves and surplus and to restore its storeroom supplies in amounts as follows:

Notes payable	$17,100 00
Accounts payable	8,121 00
Depreciation reserve	17,748 00
Consumers' advances	1,543 00
Surplus	8,796 00
Storeroom supplies	1,400 00
Total	$54,708 00

The testimony of T. C. Mellersh, applicant's vice president and general manager, shows that the company must expend about $7,000 to

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complete the metering of its system, about $5,000 for mains during the coming year and about $10,000 for additional storage facilities. The money obtained through the reimbursement of applicant's depreciation reserve must be used to extend and improve applicant's water system.

ORDER.

Russian River Water Company having applied to the Railroad Commission for an order authorizing the issue and sale of $54,800 of preferred stock, a public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that the money, property or labor to be procured or paid for by such issue and sale is reasonably required by applicant for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Russian River Water Company be and it hereby is authorized to issue and sell, at not less than par, on or before December 31, 1926, 548 shares of its 7 per cent cumulative preferred stock of the aggregate par value of $54,800 and to use the proceeds to pay indebtedness, to reimburse its reserve for depreciation and its surplus and to restore its storeroom supplies in the amounts and to the extent indicated in the foregoing opinion, and to use the remaining proceeds to finance in part the cost of extensions, additions and betterments chargeable to fixed capital accounts as such accounts are defined by the uniform classification of accounts prescribed by this Commission, provided that applicant may exchange, at par, $17,100 of the stock herein authorized for the outstanding $17,100 of notes, and provided further that all proceeds used to reimburse the reserve for depreciation must thereafter be used to replace property or to acquire additional properties.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twentieth day of November, 1925.

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DECISION No. 15651.

SAN RAFAEL FREIGHT AND TRANSFER COMPANY, A CORPORATION,

vs.

PARIS P. LAWSON.

Case No. 2101.

Decided November 20, 1925.

CERTIFICATE—AUTO TRUCKS—UNLAWFUL OPERATION.—Paris P. Lawson found to be operating auto truck service between Sausalito and Santa Rosa without certificate. District attorneys of interested counties notified.

Gwyn H. Baker, for Complainant.
R. M. Quackenbush, for Defendant.

BY THE COMMISSION.

OPINION.

In this proceeding San Rafael Freight and Transfer Company, a corporation, complains of Paris P. Lawson and alleges that such defendant is operating automobile trucks as a common carrier in the transportation of property for compensation over the public highways between Sausalito and Santa Rosa; that defendant has no certificate of public convenience and necessity issued by the Railroad Commission authorizing the service now being given by defendant; that the operation is in competition with the authorized service of complainant; and that the business of complainant is financially injured by the alleged illegal operation of defendant. Complainant prays for an order declaring that the operation of defendant is in violation of law, and without lawful authority, and directing defendant to desist and refrain from such operation.

Defendant duly filed his answer in which a general denial was made of the allegations in the complaint.

Public hearings on this complaint were conducted by Examiner Handford at Petaluma, the matter was duly submitted following the filing of briefs, and is now ready for decision.

Mr. L. L. Rock, a news agent and cigar dealer in Petaluma, testified that newspapers were hauled to Petaluma from Sausalito by defendant Lawson, and that since March 1, 1925, payment for such carriage was made direct to the defendant, prior to such time payments having been made by the Santa Rosa agent of the newspapers. This witness receives credit from the newspaper publishers for a portion of the hauling charge in an amount estimated as approximately one-quarter of the charge. Defendant transports the newspapers at a flat monthly rate and also transports newspapers from Sausalito to Novato, and to Petaluma for forwarding to Sebastopol and Healdsburg, the witness paying defendant for such transportation and doing so for the account of the

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newspaper publishers. This witness further testified that he solicited defendant to undertake the newspaper hauling under the present arrangement and that defendant had previously been employed three different times in such service. Witness objects to service of complainant, alleging that delay results when newspapers are transported by trucks of the complainant, which he attributes to the fact that other property is transported on the same truck with the newspapers.

G. A. Dondew, manager of a creamery at Petaluma, testified that he shipped butter and creamery products from Petaluma to Sausalito and intermediate points by the truck operated by defendant, dividing his business approximately equally between the services of complainant and defendant.

E. W. Martens, a grocer at San Rafael, testified that he had received goods from Petaluma transported on the truck of defendant up to about a month prior to the date of hearing; that he had received butter from the creamery at Petaluma for three or four years by defendant's truck, paying defendant direct for such transportation until the first of the year 1925 and since that time has made no payments to defendant, although the butter is purchased f. o. b. the creamery at Petaluma.

F. Marx, secretary of complainant company, testified as to the loss of the newspaper hauling contracts by his company; that the newspapers formerly transported by his company were now being hauled by defendant; and explained complaints as to service where papers had been carried past their destination.

Paris P. Lawson, defendant, testified that he was operating a truck for hire for the San Francisco *Chronicle* and San Fransisco *Examiner* between Sausalito and Santa Rosa; that he first began hauling in the year 1909. On February 1, 1924, he resumed the handling of newspapers. He further testified that he hauled butter for the creamery at Petaluma, being paid therefor at a rate per case, turning such collections over to the creamery and receiving his compensation from the creamery, who paid him a fixed amount per month. Witness testified that he purchased poultry and eggs for his own account which he transported to Sausalito and sold at restaurants at such point. He usually operates one truck, which he drives himself, and on Sundays is assisted by his son and another truck in the delivery of Sunday newspapers.

From the record herein the Commission concludes and hereby finds as a fact that the transportation of newspapers, butter and creamery products by the defendant between Sausalito and Santa Rosa and intermediate points is transportation of property over a regular route and between fixed termini, for compensation, and in violation of the provisions of chapter 213, Statutes of 1917, and effective amendments

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thereto, in that defendant Paris P. Lawson has no certificate of public convenience and necessity authorizing such operation as required by the above mentioned statutory enactment.

ORDER.

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted following the filing of briefs, the Commission being now fully advised and basing its order on the conclusion and finding of fact as appearing in the opinion which precedes this order;

It is hereby ordered, that defendant, Paris P. Lawson, immediately cease the operation of auto truck service for the transportation of property for compensation between Sausalito and Santa Rosa and intermediate points; and

It is hereby further ordered, that the secretary of this Commission be and he is hereby directed to serve, by registered mail, a certified copy of this order on said defendant and also to forward, by registered mail, certified copies of this order to the district attorneys of the counties of Marin and Sonoma.

The effective date of this order is hereby fixed as of November 30, 1925.

Dated at San Francisco, California, this twentieth day of November, 1925.

DECISION No. 15653.

IN THE MATTER OF THE INVESTIGATION OF GAS RATES, SERVICE AND OPERATIONS OF CENTRAL COUNTIES GAS COMPANY, ON THE COMMISSION'S OWN MOTION.

Case No. 1661.

Decided November 20, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Central Counties Gas Company directed to reduce rates four cents per 1000 cubic feet, effective November 26, 1925, as result of reduction in price of fuel oil fifteen cents per barrel.

BY THE COMMISSION.

SIXTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 9844 (20 C. R. C. 963) in the above entitled matter, this Commission provided, with reference to schedules "A" and "B" therein established, that said rates would be subject to increase or decrease, upon approval of the Railroad Commission, on the basis of three (3) cents per thousand cubic feet for each ten (10) cent increase or decrease, respectively, in the price of oil above or below the price of $1.76 per barrel f. o. b. Visalia; and

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Whereas, Central Counties Gas Company now makes affidavit that on October 27, 1925, the price of oil was decreased fifteen (15) cents per barrel to $1.2478 per barrel f. o. b. Visalia, this being fifty-one (51) cents less than the basic price upon which rates were established in Decision No. 9844;

It is hereby ordered, that Central Counties Gas Company reduce its rates designated as schedules "A" and "B," effective for all regular meter readings taken on and after November 26, 1925, so that they shall be equal to fifteen (15) cents per thousand cubic feet less than those established in Decision No. 9844.

It is hereby further ordered, that Central Counties Gas Company file with the Commission on or before November 24, 1925, a revision of its schedules as herein ordered.

Dated at San Francisco, California, this twentieth day of November, 1925.

DECISION No. 15654.

IN THE MATTER OF THE INVESTIGATION OF THE GAS RATES, SERVICE AND OPERATIONS OF MODESTO GAS COMPANY, ON THE COMMISSION'S OWN MOTION.

Case No. 1662.

Decided November 20, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Modesto Gas Company directed to reduce gas rates six cents per 1000 cubic feet, effective November 26, 1925, due to reduction in price of fuel oil.

BY THE COMMISSION.

SIXTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 9839 (20 C. R. C. 948) this Commission provided with reference to schedules "A" and "B" of Modesto Gas Company, that such rates would be subject to increase or decrease on the basis of 2.6 cents per thousand cubic feet of gas for each ten (10) cent increase or decrease, respectively, in the price of oil above or below $2 per barrel f. o. b. Modesto; and

Whereas, Modesto Gas Company now makes affidavit that on October 27, 1925, the price paid for oil was reduced twenty-one (21) cents per barrel to $1.35 per barrel in Modesto, which is sixty-five (65) cents per barrel below the base price upon which rates were established in Decision No. 9839;

It is hereby ordered, that Modesto Gas Company reduce its rate designated as Schedule "A," effective for all regular meter readings taken on and after November 26, 1925, so that said rates shall be seventeen

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(17) cents per thousand cubic feet less than the basic rate established in Decision No. 9839.

It is hereby further ordered, that Modesto Gas Company file with this Commission on or before November 24, 1925, a revision of its schedules to comply with this order.

Dated at San Francisco, California, this twentieth day of November, 1925.

DECISION No. 15655.

IN THE MATTER OF THE INVESTIGATION BY THE COMMISSION ON ITS OWN MOTION INTO THE ADEQUACY OF SERVICE, THE FACILITIES FOR SERVICE AND THE REASONABLENESS OF THE RATES, RULES AND REGULATIONS GOVERNING GAS SERVICE OF SACRAMENTO GAS COMPANY IN LODI, CALIFORNIA.

Case No. 1733.

Decided November 20, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Sacramento Gas Company directed to reduce gas rates seven cents per 1000 cubic feet at Lodi due to reduction in price of fuel oil.

BY THE COMMISSION.

FIFTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 10600 (21 C. R. C. 851) in the above entitled matter, this Commission provided, with reference to the rates therein established, that such rates would be subject to increase or decrease, upon approval of the Railroad Commission, on the basis of 3.2 cents per thousand cubic feet for each ten (10) cent increase or decrease, respectively, in the cost of oil above or below the price of $1.91 per barrel f. o. b. Lodi; and

Whereas, Sacramento Gas Company now makes affidavit that on October 27, 1925, the price of oil was reduced twenty (20) cents per barrel to $1.38 per barrel in Lodi, this being fifty-three (53) cents below the base price upon which the rates were established in Decision No. 10600;

It is hereby ordered, that Sacramento Gas Company decrease its present rates designated as Schedule "B," effective for all regular meter readings taken on and after November 26, 1925, so that said rates shall be equal to seventeen (17) cents less than the basic rates established in Decision No. 10600.

It is hereby further ordered, that Sacramento Gas Company file with the Commission on or before November 24, 1925, a revision of its rates as herein ordered.

Dated at San Francisco, California, this twentieth day of November, 1925.

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DECISION No. 15656.

JAMES W. FLANNERY ET AL.

vs.

GREAT WESTERN POWER COMPANY OF CALIFORNIA, A CORPORATION.

Case No. 1844.

Decided November 20, 1925.

RATES—STEAM HEATING—AUTOMATIC ADJUSTMENT.—Great Western Power Company of California directed to reduce rates for steam six cents per 1000 cubic feet, due to reduction in price of fuel oil.

BY THE COMMISSION.

FOURTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 12582 in the above entitled matter, this Commission provided, that upon its approval the steam rates of Great Western Power Company be subject to increase or decrease of three (3) cents per thousand pounds of steam for each ten (10) cent per barrel increase or decrease, respectively, in the cost of oil above or below the price in effect August 1, 1923, which price was $1.10 per barrel; and

Whereas, Great Western Power Company now makes affidavit that on October 27, 1925, the price paid for oil was reduced by twenty-one (21) cents per barrel, as the result of which the price paid by that company for oil will, until further change, be $1.24 per barrel, which is fourteen (14) cents more than the basic price upon which rates were established in Decision No. 12582;

It is hereby ordered, that Great Western Power Company reduce its present rates for steam, designated as Schedule No. S-1, for all regular meter readings taken on and after November 26, 1925, so that said rates shall be equal to four (4) cents more than the basic rate established in Decision No. 12582.

It is hereby further ordered, that Great Western Power Company file with the Commission on or before November 24, 1925, a revision of its rates as herein ordered.

Dated at San Francisco, California, this twentieth day of November, 1925.

DECISION No. 15658.

IN THE MATTER OF THE APPLICATION OF SAN DIEGO CONSOLIDATED GAS AND ELECTRIC COMPANY FOR AN ORDER OF THE RAILROAD COMMISSION, ESTABLISHING RATES TO BE CHARGED BY IT FOR GAS AND ELECTRICITY.

Application No. 6078.

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Decided November 20, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—San Diego Consolidated Gas and Electric Company directed to reduce gas rates four cents per 1000 cubic feet, effective on meter readings taken after November 26, 1925, due to reduction in price of fuel oil.

BY THE COMMISSION.

SIXTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 9412 (20 C. R. C. 425) in the above entitled matter, this Commission provided, with reference to the rates therein established, that upon approval of the Railroad Commission, schedule No. 1 would be subject to increase or decrease on the basis of 2.4 cents per thousand cubic feet for each ten (10) cent increase or decrease, respectively, in the price of oil above or below the price of $1.75 per barrel at San Diego; and that schedule No. 3 would be subject to decrease on the basis of three (3) cents per thousand cubic feet for each ten (10) cent decrease in the cost of oil below the price of $1.65 per barrel at San Diego; and

Whereas, San Diego Consolidated Gas and Electric Company now makes affidavit that on October 27, 1925, the price of oil at San Diego was decreased fifteen (15) cents per barrel to $1.10 per barrel, this being sixty-five (65) cents for schedule No. 1 and fifty-five (55) cents for schedule No. 3 below the base prices on which rates were established in Decision No. 9412;

It is hereby ordered, that San Diego Consolidated Gas and Electric Company decrease its present rates designated as schedules Nos. 1 and 3, effective for all regular meter readings taken on and after November 26, 1925, so that schedule No. 1 shall be sixteen (16) cents below the basic rate and schedule No. 3 shall be sixteen (16) cents below the basic rate, as established in Decision No. 9412.

It is hereby further ordered, that San Diego Consolidated Gas and Electric Company file with the Commission, on or before November 24, 1925, a revision of its schedules as herein ordered.

Dated at San Francisco, California, this twentieth day of November, 1925.

DECISION NO. 15659.

IN THE MATTER OF THE APPLICATION OF MADERA GAS COMPANY FOR CHANGE IN BASIC RATE AND ESTABLISHMENT OF JUST AND REASONABLE RATES.

Application No. 10933.

Decided November 20, 1925.

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RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Madera Gas Company ordered to reduce gas rates four cents per 1000 cubic feet, effective on meter readings taken after November 26, 1925, due to reduction in price of fuel oil.

BY THE COMMISSION.

THIRD SUPPLEMENTAL ORDER.

Whereas, in Decision No. 14943, in the above entitled matter, this Commission provided, with reference to the rates therein established, that such rates would be subject to decrease, upon approval of the Railroad Commission, on the basis of 2.9 cents per thousand cubic feet for each ten (10) cents per barrel decrease, in the price of oil below $2.40 per barrel f. o. b. Madera; and,

Whereas, Madera Gas Company now makes affidavit that on October 27, 1925, the price of oil was reduced to $1.35 per barrel f. o. b. Madera, this being $1.05 per barrel below the base price upon which the rates were established in Decision No. 14943;

It is hereby ordered, that Madera Gas Company reduce its present rates, designated as schedules "A" and "B," effective for all regular meter readings taken on and after November 26, 1925, so that said rates shall be equal to thirty (30) cents less than the basic rates established in Decision No. 14943.

It is hereby further ordered, that Madera Gas Company file with the Commission on or before November 24, 1925, a revision of its rates as herein ordered.

Dated at San Francisco, California, this twentieth day of November, 1925.

DECISION No. 15668.

IN THE MATTER OF THE APPLICATION OF LAKE TAHOE RAILWAY AND TRANSPORTATION COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING IT TO TRANSFER, CONVEY AND ASSIGN CERTAIN PROPERTY TO TAHOE TRANSPORTATION COMPANY, AND IN THE MATTER OF THE APPLICATION OF TAHOE TRANSPORTATION COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING IT TO ISSUE TWO HUNDRED THOUSAND DOLLARS FACE VALUE OF ITS CAPITAL STOCK.

Application No. 11878.

Decided November 21, 1925.

TRANSFER—CARRIER BY WATER—STOCK ISSUE.—Lake Tahoe Railway and Transportation Company authorized to transfer its steamship and other floating equipment to Tahoe Transportation Company, which is authorized to issue $200,000 of common stock in payment therefor.

H. F. Droste, for Lake Tahoe Railway and Transportation Company.

Dunne, Brobeck, Phleger and Harrison, by *Herman Phleger,* for Tahoe Transportation Company.

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BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order—

1. Authorizing Lake Tahoe Railway and Transportation Company to assign, transfer and convey to Tahoe Transportation Company, a new corporation, the floating equipment and other properties which it now owns and operates for the transportation of passengers, freight and express on Lake Tahoe; and

2. Authorizing Tahoe Transportation Company to issue all of its authorized capital stock of $200,000 and to deliver $199,500 thereof in payment for said properties and $500 to its incorporators.

It appears that Lake Tahoe Railway and Transportation Company was organized on or about December 19, 1898, and that up to a recent date has been engaged in the operation of a line of railway from Truckee, Nevada County, to Tahoe City, Placer County, of hotel properties known as Tahoe Tavern, situate on Lake Tahoe, and of the steamer line on the lake. Pursuant to authority granted by this Commission, by Decision No. 14993, dated July 3, 1925, and by the Interstate Commerce Commission, the company leased its railway to Southern Pacific Company for a period of ninety-nine years. Thereafter, it sold its hotel properties and lands to a new corporation known as Lake Tahoe Company and it is now seeking to divest itself of the water-line operations by transferring its line of steamers, barges, etc., to another new corporation, Tahoe Transportation Company, one of the applicants herein.

The properties to be acquired by Tahoe Transportation Company, and their estimated value, are shown in applicant's Exhibit "1" filed in this proceeding, as follows:

S.S. *Tahoe*	$100,000 00
S.S. *Nevada*, steel	15,000 00
S.S. *Meteor*, steel	10,000 00
Gasoline launch, *Wild Goose*	1,750 00
Gasoline launch, *Catalina*	1,000 00
Gasoline launch, *Mary*	1,000 00
Four new fishing boats	600 00
Five Evinrude motors	400 00
Six metal skiffs	600 00
Three double-ender rowboats	300 00
Three large rowboats	360 00
Two wooden boats	150 00
Life raft	50 00
Two life boats	100 00
Machine shop (Eg.)	9,030 00
Wharves and ways	18,329 00
Launch storage ways and house	5,500 00
Carpenter shop	3,600 00
Supply house	2,400 00
Machine shop building	7,500 00

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Real property, lots 1, 2 and 3 of Bettencourt tract	$15,000 00
Six cottages on lots 1, 2 and 3 of Bettencourt tract	6,000 00
New barge (cost)	5,089 00
Total	$203,758 00

It appears that the stock of Tahoe Transportation Company, to be issued in payment for the properties, will be delivered to Lake Tahoe Company as part of the transaction whereby that company acquired the hotel properties of Lake Tahoe Railway and Transportation Company. The steamer line is being transferred, as proposed herein, to a separate corporation, for the reason that it has been concluded that it is advisable and advantageous to separate the public utility and the nonpublic utility operations so far as possible. We are in accord with such conclusion and accordingly will enter an appropriate order in this matter.

ORDER.

Application having been made to the Railroad Commission for an order authorizing the transfer of properties of Lake Tahoe Railway and Transportation Company and the issue of stock by Tahoe Transportation Company, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the application should be granted, as herein provided, and that the money, property or labor to be procured or paid for through the issue of $200,000 of stock is reasonably required for the purpose specified herein, and that the expenditure for such purpose is not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that Lake Tahoe Transportation Company be and it is hereby authorized to assign, transfer and convey to Tahoe Transportation Company the properties described in Exhibits "A" and "1" filed in this proceeding, and Tahoe Transportation Company be and it is hereby authorized to issue at par in payment for such properties free and clear of all encumbrances, $199,500 of its common capital stock and to issue and sell at par for cash $500 of its common capital stock to its incorporators and to use the proceeds for working capital.

The authority herein granted is subject to the following conditions:

1. The amount of stock which Tahoe Transportation Company is herein authorized to issue in payment for properties shall not hereafter be urged before this Commission or other court or public body having jurisdiction, as a measure of value of such properties for any purpose other than this transfer.

2. Tahoe Transportation Company shall keep such record of the issue and delivery of the stock herein authorized as will enable it to file, within thirty days after such issue, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so

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far as applicable, is made a part of this order.

3. The authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this twenty-first day of November, 1925.

DECISION NO. 15670.

IN THE MATTER OF THE INVESTIGATION BY THE COMMISSION ON ITS OWN MOTION INTO THE REASONABLENESS OF THE RATES OF THE TURLOCK GAS COMPANY.

Case No. 1804.

Decided November 21, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Turlock Gas Company authorized to reduce gas rates two cents per 1000 cubic feet, on meter readings on and after November 26, 1925, due to reduction in the price of fuel oil.

BY THE COMMISSION.

THIRD SUPPLEMENTAL ORDER.

Whereas, in Decision No. 11093 (22 C. R. C. 385) in the above entitled matter, this Commission provided, with reference to schedules Nos. 1 and 2 of Turlock Gas Company, that such rates would be subject to decrease upon approval of the Railroad Commission, on the basis of 2.7 cents per thousand cubic feet for each ten cent decrease in the cost of oil below the price of $1.65 per barrel f. o. b. Turlock; and

Whereas, Turlock Gas Company now makes affidavit that on October 27, 1925, the price of oil was decreased to 90 cents per barrel f. o. b. Seguro, which is equivalent to $1.49 per barrel f. o. b. Turlock, making the present price of oil sixteen cents below the base price on which rates were established in Decision No. 11093;

It is hereby ordered, that Turlock Gas Company decrease its rates designated as schedules Nos. 1 and 2, effective for all regular meter readings taken on and after November 26, 1925, so that said rates shall be equal to four cents less than the basic rates set forth in Decision No. 11093.

It is hereby further ordered, that Turlock Gas Company file with the Commission on or before November 25, 1925, a revision of its schedules as herein ordered.

Dated at San Francisco, California, this twenty first day of November, 1925.

DECISION NO. 15672.

IN THE MATTER OF THE APPLICATION OF FEATHER RIVER POWER COMPANY, A CORPORATION, ORGANIZED AND EXISTING UNDER

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AND BY VIRTUE OF THE LAWS OF THE STATE OF CALIFORNIA, FOR AN ORDER PERMITTING SAID FEATHER RIVER POWER COMPANY TO ISSUE NINE HUNDRED FIFTY-ONE SHARES OF ITS COMMON STOCK, HAVING A PAR VALUE OF NINETY-FIVE THOUSAND ONE HUNDRED DOLLARS.

Application No. 11906.
Decided November 21, 1925.

SECURITIES—STOCK—TO ISSUE.—Feather River Power Company authorized to issue $93,800 of capital stock.

C. W. Faries, for Applicant.

BY THE COMMISSION.

OPINION.

In this application, Feather River Power Company asks for an order of the Railroad Commission authorizing it to issue and sell at 90 per cent of par value, 951 shares of its common capital stock, of the aggregate par value of $95,100, in addition to the stock heretofore authorized to be issued by Decision No. 15394, dated September 15, 1925, as amended by Decision No. 15465, dated September 25, 1925, in Application No. 11414.

In Decision No. 15394, as amended by Decision No. 15465, the Commission declared that public convenience and necessity require and will require Feather River Power Company to construct, operate and maintain a hydro-electric power plant and appurtenances to be located on the north fork of the Feather River, a short distance below the mouth of Buck's Creek, and authorized the company to issue and sell, at not less than 90 per cent of face value, plus accrued interest, $5,500,000 of its first mortgage 6 per cent serial bonds, and $2,100,000 of its stock, divided into such classes as it may determine, such stock to be sold at not less than 90 per cent of the par value, and to use the proceeds from the sale of the bonds and stock to pay the cost of constructing the hydro-electric plant and appurtenances.

The company now reports that prior to October 9, 1925, there was expended certain sums for preliminary expenses for engineering, overhead and other items in addition to the expenditures heretofore reported and set forth in Application No. 11414. These sums, as reported in the petition and as described in detail in Exhibit "A" aggregated $85,606.35. This total, however, was adjusted at the hearing by the elimination of certain items representing duplications, the final figure being given as $84,383.60. It appears that R. C. Storrie and Company, a copartnership which has the contract to construct applicant's proposed power plant, has advanced moneys to applicant to pay said amounts and now has agreed to accept applicant's common stock at

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ninety in reimbursement. This will call for the issue of $93,800 of stock.

The record in Application No. 11414 was by consent of applicant made a part of this proceeding. Obviously the Commission in passing on any request of applicant to issue stock or bonds must consider such request in relation to the reasonable actual or estimated cost of the project described in Application No. 11414. The $93,800 of stock authorized herein constitutes a part of the capitalization of that project.

ORDER.

Feather River Power Company, having applied to the Railroad Commission for an order authorizing it to issue $95,100 of stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the issue of $93,800 of stock is reasonably required by applicant and that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Feather River Power Company be and it is hereby authorized to issue and sell, on or before February 28, 1926, at not less than 90 per cent of par value, $93,800 of its common capital stock for the purpose of financing the expenditures of $84,383.60, to which reference is made in the foregoing opinion, provided that applicant keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the application in so far as it involves the issue of $1,300 of stock be and it is hereby dismissed.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this twenty-first day of November, 1925.

DECISION NO. 15674.

IN THE MATTER OF THE APPLICATION OF PICKWICK STAGES SYSTEM TO PURCHASE, AND PICKWICK STAGES, INC., TO SELL CERTAIN FRANCHISES AND ASSETS; THE FORMER TO PURCHASE AND MURRIETTA MINERAL HOT SPRINGS AUTO STAGE LINE, A CORPORATION, TO SELL THE FRANCHISES AND ASSETS OF THE LAST NAMED CORPORATION; AND THE APPLICATION OF PICKWICK STAGES SYSTEM TO ISSUE AND SELL TWO HUNDRED EIGHTY-ONE THOUSAND NINE HUNDRED DOLLARS ($281,900) PAR VALUE OF ITS COMMON CAPITAL STOCK AND TO CONSOLI-

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DATE THE FRANCHISES OF PICKWICK STAGES, INC., WITH THE FRANCHISES OF MURRIETTA MINERAL HOT SPRINGS AUTO STAGE LINE.

Application No. 11694.

Decided November 21, 1925.

TRANSFER—AUTO STAGES—STOCK—TO ISSUE.—Pickwick Stages System authorized to purchase, and Pickwick Stages, Inc., authorized to sell franchises and assets; Pickwick Stages System authorized to purchase franchise and operating rights of Murrietta Mineral Hot Springs Auto Stage Line; and Pickwick Stages System authorized to issue in payment therefor $261,100 of capital stock, and to assume indebtednes of acquired properties, and to consolidate said properties with its own lines.

Warren E. Libby, for Applicants.

BY THE COMMISSION.

OPINION AND ORDER.

In this proceeding the Railroad Commission is asked to make an order authorizing:

1. The transfer of the operative rights of Pickwick Stages, Inc., to Pickwick Stages System.

2. The issuance by Pickwick Stages System to Pickwick Stages, Inc., of one hundred eighty thousand three hundred dollars ($180,300) par value of the common capital stock of Pickwick Stages System.

3. The transfer of the franchises and operating rights of Murrietta Mineral Hot Springs Auto Stage Line to Pickwick Stages System.

4. The issuance by Pickwick Stages System to Murrietta Mineral Hot Springs Auto Stage Line of twenty-four thousand one hundred dollars ($24,100) par value of the common capital stock of Pickwick Stages System.

5. The consolidation of the operative rights transferred from Murrietta Mineral Hot Springs Auto Stage Line and Pickwick Stages, Inc.

6. The sale and issuance by Pickwick Stages System of one hundred thousand dollars ($100,000) par value of its common capital stock without any allowance for brokerage or commission, the proceeds thereof to be used in the reduction of its liabilities represented by capital assets.

A public hearing was held before Examiner Handford at San Francisco, the matter was duly submitted and it is now ready for decision. The granting of the application was not protested.

Each of the applicants in the above entitled proceeding is a corporation engaged in the business of transporting persons and property over the highways of California under authority of certificate of public convenience and necessity issued at various times by the Railroad Commission. As integral parts of the Pickwick Stages System their operations have been conducted under one management. The instant pro-

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ceeding is based principally on the claim that economy in the operation of the business of the corporations involved will result if the application be granted, with particular reference to the handling of ticket sales, accounting and interleasing of equipment. This, in effect, was the testimony of the only witness testifying at the hearing.

The operating rights of Murrietta Mineral Hot Springs Auto Stage Line and those of Pickwick Stages, Inc., parallel each other between the cities of Anaheim and Los Angeles and also between Murrietta Mineral Hot Springs and Elsinore. Consolidation of these rights, as proposed, and their transfer to Pickwick Stages System will make it possible for the Pickwick System to handle passengers from the Hot Springs, Murrietta and Elsinore, and intermediate points to and from Los Angeles either by way of Corona or by way of Riverside, the alternate routing making for a lessening of the use of overload equipment with a consequent reduction in cost of operation and a better public service.

The operating rights herein sought to be transferred were granted by the Railroad Commission in accordance with the following record:

Pickwick Stages, Inc.

Decision No. 5345, dated April 29, 1918, issued on Application No. 3663.—Between San Diego and Los Angeles and intermediate points via both the Coast and the Inland route; between San Diego and El Centro and intermediate points; between San Diego and Julian and intermediate points; between San Diego and Descanso and intermediate points.

Decision No. 8794, dated April 27, 1923, issued on Application No. 8794.—Between San Diego and Escondido and intermediate points.

Decision No. 11224, dated November 13, 1922, issued on Application No. 8267.—Between San Diego and Warner's Hot Springs and between San Diego and Warner's Hot Springs, via Santa Ysabel and Morretti in connection with and as an extension of passenger stage service between San Diego and Julian.

Decision No. 6724, dated October 2, 1919, issued on Application No. 4772.—Between Descanso and Warren's Ranch and intermediate points.

Decision No. 9256, dated July 23, 1921, issued on Application No. 6833.—Between San Diego and Escondido via Miramar (change of route).

Decision No. 12629, dated September 19, 1923, issued on Application No. 9165.—Between Bonsall and Oceanside via San Luis Rey (connecting Coast and Inland routes).

Decision No. 11241, dated November 16, 1922, issued on Application No. 8277.—Between Elsinore and Riverside and intermediate points.

Decision No. 11841, dated March 29, 1923, issued on Application No. 8768.—Freight between Los Angeles and Temecula and certain intermediate points.

Decision No. 9473, dated September 7, 1921, issued on Application No. 4767.—Between Oceanside and Vista (through passengers).

Murrietta Mineral Hot Springs Auto Stage Line.

Decision No. 9588, dated October 4, 1921, issued on Application No. 7138.—Between Los Angeles and Murrietta Mineral Hot Springs and between Murrietta Mineral Hot Springs and Warner's Hot Springs.

Transfer of the above listed operating rights and their consolidation as petitioned for will be authorized in the order herein.

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Pickwick Stages System asks permission to issue at par $304,400 of stock for the following purposes:

$180,300 to acquire the equity in the properties of Pickwick Stages, Inc.

$24,100 to acquire the equity in properties of Murrietta Mineral Hot Springs Auto Stage Line, and

$100,000 to pay indebtedness.

The Pickwick Stages System proposes to acquire all of the properties of the Pickwick Stages, Inc., and Murrietta Mineral Hot Springs Auto Stage Line and in payment for such properties assume the indebtedness of the two companies and issue stock, as above indicated.

The assets and liabilities of the Pickwick Stages, Inc., as of June 30, 1925, are reported as follows:

Assets.		
Franchises		$44,894 81
Plant and equipment	$264,839 77	
Reserve for accrued depreciation	34,852 64	
Net investment in plant and equipment		229,987 13
Notes receivable		547 90
Materials and supplies		9,419 11
Special funds		5,603 90
Prepayments		565 02
Ticket collections in agent's hands		5,013 25
State tax refund on motor transportation tax		2,967 97
Discount on stock		7,792 00
Discount and expense on funded debt		627 90
Total assets		$307,418 99
Liabilities.		
Funded debt		$40,000 00
Notes payable		41,000 00
Trade acceptances		4,905 50
Contracts payable		3,444 46
Accrued liabilities		7,348 95
Accounts payable		30,372 33
Total liabilities		$127,071 24
Assets in excess of liabilities		$180,347 75

The Pickwick Stages System intends to assume the payment of the liabilities of Pickwick Stages, Inc., and issue to that company in payment for its properties $180,300 of stock and pay $47.75 in cash.

At the hearing had, Warren E. Libby, secretary of Pickwick Stages, Inc., testified that the $44,894.81 now charged to franchises should be increased by $4,581 which is said to represent legal expenses incurred in connection with the acquisition of operative rights and defending the company's operative rights against competition or adjudicating such operative rights. It appears that all of the $4,581 except $75

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represents expenditures incurred to defend the operative rights of Pickwick Stages, Inc., or prevent competition, or prosecute applications for new operative rights, which applications remain undecided. Mr. Libby expressed the opinion that legal expenses incurred for the purpose of protecting the company's existing operative rights were proper charges to capital account. We are unable to agree with him in this respect and are of the opinion that of the $4,581 only $75 can be included under charges to capital account. The $44,894.81 includes $6,500 which the Commission has heretofore (Decision No. 9612, dated October 14, 1921, Vol. 20, Opinions and Orders of the Railroad Commission of California, page 672) recognized as proper charges to capital account. Deducting the $6,500 from the $44,894.81 leaves $38,394.81. There is nothing in the record to show the cost to the original grantees of franchises of the Pickwick Stages, Inc., carried on that company's books at $38,394.81. Of the charges made, to intangible capital account (franchises) we can on the basis of the record recognize only $6,575 as a proper charge to that account for the purpose of issuing stock. Making the necessary adjustment in the company's total accounts, we find that the Pickwick Stages System should be permitted to issue $142,000 of stock to acquire the equity in the properties of the Pickwick Stages, Inc.

Referring to the Murrietta Mineral Hot Springs Auto Stage Line, the applicants report assets as follows:

Plant and equipment	$17,272 98
Ticket account	1,433 06
Accounts receivable	522 74
Cash on hand and in bank	521 47
Franchises	5,000 00
Deposits with California Highway Indemnity Exchange	342 80
Total assets	$25,093 05
Less liabilities to be assumed	923 06
Assets in excess of liabilities	$24,169 99

Against these properties the Pickwick Stages System asks permission to issue stock in the amount of $24,100, pay cash $69.90 and assume the payment of $923.06 in liabilities. It will be noted that the assets include an item of $5,000 charged to franchises. There is nothing in the record which enables the Commission to determine whether this represents the cost of franchises to the original grantee or to subsequent owners. The testimony does not justify the Commission to include the $5,000 in the assets of Murrietta Mineral Hot Springs Auto Stage Line for the purpose of authorizing the issue of stock. The order will authorize the issue of $19,000 of stock to acquire the equity in the properties of the Murrietta Line.

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Pickwick Stages System asks permission to issue and sell at par $100,000 of stock and use the proceeds to pay indebtedness which it intends to assume or pay indebtedness which it incurred in connection with the acquisition of new stage equipment. The issue of this stock will be authorized by the order herein.

ORDER.

Pickwick Stages System having applied to the Railroad Commission for permission to issue $304,400 of stock for the purposes indicated in the foregoing opinion, a public hearing having been held before Examiner Handford and the Railroad Commission being of the opinion that the money, property or labor to be procured or acquired by the issue of $261,100 of stock is reasonably required by Pickwick Stages System and that the application in so far as it relates to the issue of $43,300 of stock, should be denied without prejudice;

It is hereby ordered, that for the purpose of acquiring the assets of Pickwick Stages, Inc., as of June 30, 1925, Pickwick Stages System be and it hereby is authorized to issue $142,000 of stock, and to assume the payment of indebtedness of said corporation.

It is hereby further ordered, that for the purpose of acquiring the assets of Murrietta Mineral Hot Springs Auto Stage Line as of June 30, 1925, Pickwick Stages System be and it is hereby authorized to issue $19,100 of stock and assume the payment of the liabilities of said company.

It is hereby further ordered, that Pickwick Stages System be and it hereby is authorized to issue and sell at par $100,000 of its common capital stock and use the proceeds to pay indebtedness assumed in connection with the purchase of the properties by Pickwick Stages, Inc., and of Murrietta Mineral Hot Springs Auto Stage Line, or to pay indebtedness which it incurred in connection with the acquisition of additional auto stage equipment and referred to in its balance sheet as of June 30, 1925.

It is hereby further ordered, that Pickwick Stages System shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted to issue stock and to assume the payment of indebtedness and acquire properties shall become effective when Pickwick Stages System has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $41.

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It is hereby further ordered, that the operating rights heretofore granted to Pickwick Stages, Inc., which rights are more specifically described in the opinion preceding this order be and the same hereby are authorized to be transferred to Pickwick Stages System, a corporation.

It is hereby further ordered, that the operating right heretofore granted to Murrietta Mineral Hot Springs Auto Stage Line, a corporation, which right is more specifically described in the opinion preceding this order, be and the same hereby is authorized to be transferred to Pickwick Stages System, a corporation.

It is hereby further ordered, that the operating right heretofore granted to Murrietta Mineral Hot Springs Auto Stage Line, a corporation, be and the same hereby is authorized to be consolidated with the operating rights heretofore granted to Pickwick Stages, Inc., all of the rights herein authorized to be consolidated, being more specifically described in the opinion preceding this order.

It is hereby further ordered, that Pickwick Stages, Inc., and Murrietta Mineral Hot Springs Auto Stage Line, a corporation, shall immediately cancel the tariffs of rates and time schedules filed in their respective names with the Railroad Commission, and Pickwick Stages System, a corporation, shall immediately issue in its own name a tariff of rates and time schedules which shall be identical with the rates and time schedules of Pickwick Stages, Inc., and Murrietta Mineral Hot Springs Auto Stage Line, except as to the time schedules affected by the consolidation herein authorized, and no change shall be made in said time schedules unless approval of said change is first obtained from the Railroad Commission.

Dated at San Francisco, California, this twenty-first day of November, 1925.

DECISION NO. 15689.

IN THE MATTER OF THE APPLICATION OF OAKDALE GAS COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING AN INCREASE IN RATES FOR GAS SERVICE.

Application No. 10800.

Decided November 24, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Oakdale Gas Company ordered to reduce gas rates three cents per 1000 cubic feet on meter readings taken on and after November 26, 1925, due to reduction in price of fuel oil.

BY THE COMMISSION.

SECOND SUPPLEMENTAL ORDER.

Whereas, the Railroad Commission by Decision No. 14883, dated May 7, 1925, established rates to be charged by the Oakdale Gas Com-

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pany and provided that such rates would upon order of the Railroad Commission be subject to increase or decrease on the basis of three (3) cents per thousand cubic feet of gas for each ten (10) cent increase or decrease, respectively, in the price of oil above or below $1.90 per barrel in Oakdale, and further provided that no increase shall be made after the price of oil f. o. b. Oakdale passes $2.40 per barrel; and,

Whereas, Oakdale Gas Company now makes affidavit that on October 27, 1925, the price of oil was decreased from $1.90 per barrel to $1.485 per barrel, making the present price of oil 41.5 cents per barrel below the base price established in Decision No. 14883;

It is hereby ordered, that Oakdale Gas Company reduce its rates, designated as schedule No. 1, effective for all meter readings taken on and after November 26, 1925, so that said rates shall be equal to twelve (12) cents per thousand cubic feet less than the basic rates on file with the Commission as established in Decision No. 14883.

It is hereby further ordered, that Oakdale Gas Company file with the Commission on or before November 26, 1925, a revision of its schedules as herein ordered.

Dated at San Francisco, California, this twenty-fourth day of November, 1925.

DECISION No. 15690.

IN THE MATTER OF THE INVESTIGATION BY THE COMMISSION ON ITS OWN MOTION INTO THE REASONABLENESS OF THE RATES OF THE HANFORD GAS COMPANY.

Case No. 1807.

Decided November 24, 1925.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Hanford Gas Company ordered to reduce gas rates seven cents per 1000 cubic feet on meter readings taken on and after November 26, 1925, due to reduction in price of fuel oil.

BY THE COMMISSION.

THIRD SUPPLEMENTAL ORDER.

Whereas, in Decision No. 11096 (22 C. R. C. 394) in the above entitled matter, this Commission provided that such rates therein established would upon order of the Railroad Commission be subject to decrease on the basis of three (3) cents per thousand cubic feet of gas for each ten (10) cent decrease in the cost of oil below the price of $1.50 per barrel f. o. b. Hanford; and

Whereas, Hanford Gas Company now makes affidavit that on October 27, 1925, the price of oil was reduced to $1.25 per barrel, making the present price of oil twenty-five (25) cents per barrel below the base price established in Decision No. 11096.

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It is hereby ordered, that Hanford Gas Company reduce its present rates effective for all meter readings taken on and after November 26, 1925, so that said rates shall be equal to seven (7) cents per thousand cubic feet less than the basic rates established in Decision No. 11096.

It is hereby further ordered, that Hanford Gas Company file with the Commission on or before November 26, 1925, a revision of its rates as herein ordered.

Dated at San Francisco, California, this twenty-fourth day of November, 1925.

DECISION No. 15691.

IN THE MATTER OF THE APPLICATION OF ASSOCIATED TELEPHONE COMPANY, A CORPORATION, AND CONSOLIDATED UTILITIES COMPANY, A CORPORATION, FOR AUTHORITY TO PURCHASE AND SELL PERSONAL PROPERTY.

Application No. 11875.

Decided November 25, 1925.

ABANDONMENT—TELEPHONE SERVICE—TRANSFER.—Associated Telephone Company authorized to purchase telephone properties of Consolidated Utilities Company in Virginia City district of Long Beach. The latter utility is authorized to abandon service therein.

BY THE COMMISSION.

ORDER.

This is a proceeding in which the Associated Telephone Company requests authority to purchase certain properties used in rendering telephone service in Virginia City and adjacent territory, and Consolidated Utilities Company requests authority to sell the same and to abandon telephone service in that territory shown in Exhibit "A" in the Commission's Decision No. 15443, dated September 23, 1925.

This Commission in the opinion in its decision above referred to, in which it required the Associated Telephone Company to render telephone service in Virginia City, said:

"It appears to this Commission that it would be in the interest of the public and the people of Virginia City that the Consolidated Utilities Company abandon all operations in Virginia City and that this territory be served by the Associated Telephone Company. It would appear advisable that the two utilities arrange for the carrying out of these suggestions."

Therefore, pursuant to these suggestions, an agreement has been made by these utilities for the transfer of certain properties used in rendering telephone service in Virginia City and adjacent territory, from the Consolidated Utilities Company to the Associated Telephone Company for the sum of one thousand eight hundred thirty-one and 90/100 dollars ($1,831.90), which consideration does not appear to be unreason-

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able. It further appears that this is a matter in which a public hearing is not necessary.

It is hereby ordered, that Associated Telephone Company be and it is hereby authorized to purchase and the Consolidated Utilities Company to sell, for the sum of one thousand eight hundred thirty-one and 90/100 dollars ($1,831.90), certain property as described in applicant's Exhibit "A" accompanying the application in this proceeding under the following conditions:

(1) The authority herein granted shall apply only to such transfer as shall have been completed on or before December 31, 1925, and a certified copy of the instrument of conveyance of this property shall be filed with the Railroad Commission by Consolidated Utilities Company within thirty (30) days after the date of such transfer.

(2) The consideration for which the properties are herein authorized to be transferred shall not be considered as a measure of the value of said properties for any purpose other than the transfer herein authorized.

It is hereby further ordered,

(1) That Consolidated Utilities Company be and it is hereby ordered to discontinue on and after January 1, 1926, rendering telephone service in that portion of Virginia City and adjacent territory as shown in Exhibit "A" in Decision No. 15443.

(2) That Consolidated Utilities Company file with the Commission on or before December 31, 1925, a revised map of its exchange territory to exclude that portion of Virginia City and adjacent territory as shown in Exhibit "A" in Decision No. 15443.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date thereof.

Dated at San Francisco, California, this twenty-fifth day of November, 1925.

DECISION NO. 15693.

IN THE MATTER OF THE APPLICATION OF NORTH SACRAMENTO LIGHT AND WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING AN INCREASE IN RATES AND CHARGES FOR WATER SERVICE.

Application No. 11201.

Decided November 30, 1925.

RATES—WATER UTILITY—TO INCREASE.—Application granted.

Harry L. Huston, for Applicant.
C. L. Gilmore and other consumers, Protestants.

SEAVEY, *Commissioner.*

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OPINION.

This is an application of the North Sacramento Light and Water Company, a corporation, for an increase in rates for water served consumers in and in the vicinity of North Sacramento, Sacramento County.

It is alleged that the earnings derived from the operation of applicant's water property are insufficient to yield a reasonable return upon the fair value of the property dedicated to public use. Wherefore, applicant asks that the Railroad Commission make an order authorizing an increase in rates for the water supplied to its consumers.

Public hearings in this proceeding were held in North Sacramento after all interested parties had been duly notified and given an opportunity to appear and be heard.

The North Sacramento Light and Water Company, applicant herein, was organized for the purpose of supplying domestic water to purchasers of land and lots from the North Sacramento Land Company, which laid out and developed the townsite of North Sacramento, lying across the American River from the city of Sacramento. The land company's properties have practically all been sold and the present growth of the community served is such that the water system originally installed is inadequate for the service conditions now prevailing. Water is obtained from deep wells and is pumped into elevated tanks with a total storage capacity of 75,000 gallons, from which it flows by gravity through approximately 65,400 feet of standard screw pipe and casing, varying in size from ¾ inch to 8 inches in diameter. The entire system is metered. On July 1, 1925, there were 668 active consumers on the system.

The rates at present in effect were established by this Commission in Decision No. 2679, Application No. 1726, dated August 7, 1915, and are as follows:

$1 00 per month minimum for 500 cubic feet or less.
10 per 100 cubic feet in excess.
5 00 per month flat rate for public school and grounds situated near Del Paso boulevard.
2 50 per month flat rate for public school and grounds situated on Marysville road.

A report covering a valuation of the applicant's properties was prepared by F. Emerson Hoar Company, based upon the historical reproduction cost of the properties as of January 1, 1925. However, as this report was not presented by the engineers responsible for its contents and was not subject to cross-examination, it can not be considered as properly a part of the evidence in this application.

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Mr. N. W. Cook, secretary of the company, testified that the operating expense and revenues of this utility were as follows:

Year	Operating expense	Revenue
1922	$5,202 48	$5,699 10
1923	6,455 74	7,464 29
1924	7,723 00	9,989 18
1925	15,170 00 (estimated)	10,830 00 (estimated)
1926	15,985 00 (estimated)	11,600 00 (estimated)

M. I. Reed, one of the Commission's hydraulic engineers, submitted a report in which the estimated original cost of the physical properties and the present value of the lands and rights of way was found to be $79,071 as of January 1, 1925. Of this amount $16,224 was set forth as nonoperative lands and buildings. A depreciation annuity was computed on the sinking fund basis at 5 per cent on the operative property and totaled $1,355.

This report included also an analysis of the maintenance and operating expense, less depreciation, and operating revenues, the results of which are set out below:

Year	Maintenance and operating expense	Revenue
1923	$6,510 00	$7,414 25
1924	7,878 00	9,877 65

The operating expenses for the immediate future were estimated at $8,025, exclusive of depreciation.

The estimate of operating expenses for the future ($15,985) as presented by applicant is practically double the actual costs as shown by the company's books and accounts. A careful consideration of the evidence shows that these estimates are not warranted by the size of the system and the actual costs of operation during the past. The sum of $8,500 appears to be a reasonable allowance for the operating and maintenance expenses for the immediate future.

Complaint has been made that applicant has refused to serve water to certain consumers who purchased lots which had been resubdivided from lands sold by the land company as acreage in the townsite as distinguished from the subdivided lots originally sold as such by the land company, although these consumers were located within the area served by applicant. It should be understood that a public utility serving water under the conditions of operation of applicant is under the duty and obligation to serve all members of the public within its dedicated area, irrespective of the former ownership or classification of their property. This company will be required to serve all applicants generally within the territory traversed by its mains under reasonable and nondiscriminatory rules and regulations.

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The applicant frankly concedes that the service which it is now rendering to its consumers is poor, that the pressure is low and the present water supply inadequate. Applicant states that the cost of developing additional water and installing new pumping equipment and other improvements to the distribution system will be approximately $22,000, which work must be undertaken at once. It is apparent that the company must adopt at once plans for the improvement of the existing service conditions on this system, and it should be required to submit plans acceptable to the Commission and without delay make the necessary improvements to its system to assure adequate service.

Based upon the figures set out above it is evident that the revenues derived from the present rates are inadequate and that applicant is entitled to a reasonable return upon its investment over and above operating expenses and depreciation, provided steps are taken at once to install the improvements necessary to render adequate water service to the consumers.

ORDER.

North Sacramento Light and Water Company, a corporation, having made application for authority to increase the rates for water delivered to consumers in and in the vicinity of North Sacramento, Sacramento County, a public hearing having been held thereon, the matter having been submitted, and the Commission now being fully informed in the matter:

It is hereby found as a fact that the rates now charged by the North Sacramento Light and Water Company, a corporation, for water delivered to consumers in and in the vicinity of North Sacramento, Sacramento County, are unjust and unreasonable in so far as they differ from the rates herein established and that the rates herein established are just and reasonable rates for adequate service.

Basing the order upon the foregoing finding of fact and upon the statements of fact contained in the preceding opinion;

It is hereby ordered, that the North Sacramento Light and Water Company, a corporation, be and it is hereby authorized to file with this Commission the following schedule of rates to be charged for all water delivered to consumers in and in the vicinity of North Sacramento, Sacramento County, to be effective January 1, 1926, provided applicant shall have submitted prior to January 1, 1926, plans for the necessary improvements of service to be completed prior to May 1, 1926, and said plans have been accepted by supplemental order of this Commission.

Monthly Meter Rates.

0 to 500 cubic feet, per 100 cubic feet	$0 25
500 to 2,000 cubic feet, per 100 cubic feet	20
2,000 to 5,000 cubic feet, per 100 cubic feet	15
All over 5,000 cubic feet, per 100 cubic feet	10

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Monthly Minimum Charges.

¾-inch meter	$1 25
1-inch meter	1 50
1-inch meter	2 00
1½-inch meter	2 75
2-inch meter	5 00
3-inch meter	10 00
4-inch meter	20 00
6-inch meter	35 00

It is hereby further ordered, that the North Sacramento Light and Water Company be and it is hereby directed to file with this Commission, within thirty (30) days from the date of this order, rules and regulations to govern relations with its consumers, such rules and regulations to become effective upon their acceptance by the Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this thirtieth day of November, 1925.

DECISION No. 15694.

IN THE MATTER OF THE APPLICATION OF THE CAMPBELL TELEPHONE COMPANY FOR AN ORDER AUTHORIZING ADDITIONAL RATES FOR TELEPHONE EXCHANGE SERVICE.

Application No. 11474.

Decided November 30, 1925.

RATES—TELEPHONE UTILITY—TO ESTABLISH.—Application granted.

A. C. Keesling, for Applicant.

SEAVEY, *Commissioner.*

OPINION.

This is a proceeding in which the Campbell Telephone Company requests the Railroad Commission for an order authorizing it to establish rates for individual line business and residence service not heretofore rendered and to increase the present rate for 10-party line business service, to file rules and regulations applicable to charges for the installation of service, the restoration of service and charges for moves and changes and for such other relief as the Commission may find necessary.

A hearing in this matter was held in the town of Campbell on November 10, 1925, at which time and place the matter was submitted.

Applicant is now furnishing magneto 10-party line telephone service

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to approximately 167 subscribers in the territory comprising some sixteen square miles immediately surrounding the Campbell exchange area of The Pacific Telephone and Telegraph Company. Applicant does not maintain or operate a central telephone office and switching to and from its various lines is performed by The Pacific Telephone and Telegraph Company through its central office located in Campbell. Applicant owns the subscribers' telephone lines located within the territory which it serves up to the point where these lines cross the boundary line of the Pacific Company's Campbell exchange area, at which point they connect with lines of the Pacific Company and extend to the Pacific Company's Campbell central office.

The rates now being charged by applicant for 10-party line service are $1.50 per month for nonstockholders payable in quarterly installments, and $1.10 per month for stockholders, the latter charge being subject to a discount of $1.20 per year if paid annually in advance. Under the above rates, applicant owns and maintains all subscribers' lines and instruments with the exception that battery renewals to those telephone instruments used in furnishing service to stockholders are made at the expense of those subscribers.

For the central office operating and maintenance of lines from the central office to the point where they connect with the lines of the applicant, applicant pays to the Pacific Company a rate of $3 per year for each residence station and $6 per year for each business station but in no case less than $15 per circuit per year. At present, charges for toll service are billed directly to the various subscribers of applicant by the Pacific Company. This method necessitates the subscribers dealing with the two utilities, one for local or exchange service and the other for toll service. It appears that a more satisfactory relation would result both to the subscribers and applicant if the latter would handle the billing for toll service to its subscribers. This would require that applicant and Pacific Company enter into an agreement whereby the latter would hold the former responsible for charges for toll service furnished to its subscribers and the former would render bills, submitted to it by the latter, to the subscribers and collect these charges. In making such an agreement, applicant is entitled to receive from the Pacific Company a reasonable compensation for the work performed.

The furnishing of a telephone service to a stockholder at a different rate from that charged other subscribers for the same service appears to constitute a discriminatory practice and should at this time be eliminated. The rates set forth in the order following will provide uniform rates for service furnished and also will require applicant to maintain at its expense all telephone instruments, including all battery renewals.

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The average investment in applicant's properties for the year 1924, plus materials and supplies and working cash capital, as determined from applicant's annual reports to the Railroad Commission, amounts to $7,184. From investigation of applicant's operations, the Commission's engineers find that during the year 1924 reasonable operating expenses amounted to $2,755 and the application of the proposed rates to applicant's business for the year 1924 would have resulted in a gross revenue of $2,826. This would leave a balance for return of $71 which is approximately one (1) per cent of applicant's book figures of investment. These rates as requested and as set forth in the order following, therefore, do not appear to be unreasonably high.

Applicant also requests authority to file certain rules and regulations applicable to charges for installation of service, restoration of service and charges for moves and changes. These rules which applicant requests are similar to rules and regulations heretofore fixed by this Commission in its Decision No. 13478, dated April 24, 1924 (24 C. R. C. 854), and are similar to rules now in effect for other telephone utilities operating under like conditions. There appears to be no reason why applicant should not now file such rules and regulations.

ORDER.

The Campbell Telephone Company having requested the Railroad Commission for an order authorizing it to establish rates for individual line business and residence service, to increase the rate for 10-party line business service, to file rules and regulations applicable to charges for installation of service, restoration of service, and charges for moves and changes, and for such other relief as the Commission may find necessary, a hearing having been held, the matter having been submitted and now ready for decision:

The Railroad Commission of the State of California hereby finds as a fact that the rates now being charged by applicant in so far as they differ from the rates hereinafter set forth are unjust and unreasonable and that the rates herein established and set forth in Exhibit "A" attached hereto are reasonable in view of the conditions under which the services are rendered, and that applicant should file rules and regulations as set forth in Exhibit "B" attached hereto.

Basing its order on the foregoing findings of fact and on such other findings and statements of fact as are set forth in the opinion preceding this order;

It is hereby ordered, that Campbell Telephone Company shall:

(1) Charge and collect the rates for exchange telephone service set forth in Exhibit "A" attached hereto for service furnished on and after January 1, 1926;

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(2) File with the Railroad Commission on or before December 20, 1925, the rates set forth in Exhibit "A" attached hereto; and,

(3) File with the Railroad Commission on or before December 20, 1925, rules and regulations governing the furnishing of telephone service as set forth in Exhibit "B" attached hereto.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco this thirtieth day of November, 1925.

EXHIBIT "A."

RATES FOR EXCHANGE SERVICE.

Exchange Service—Schedule No. A-1.

Suburban Service.

Applicable to ten (10) party business and residence service furnished throughout the entire territory served.

Rate.

	Rate per month per station	
(a) Station rate—	Wall set	Desk set
Business service	$1 75	$2 00
Residence service	1 25	1 50

Extension bell, 25 cents per month.

(b) Switching rate—

This rate is The Pacific Telephone and Telegraph Company's switching rate in effect in its Campbell exchange.

Conditions.

(1) The total charge will be the sum of the charges resulting from the application of the above rates (a) and (b).

(2) The subscriber will be allowed a discount of ten (10) per cent on the station rate under the above rate (a) if the total bill for exchange service is paid in advance for one year during the first month of the year.

Exchange Service—Schedule No. A-2.

General Service.

Applicable to individual line business or residence service furnished throughout the entire area served.

Rate.

	Rate per month per station	
(a) Station rate—	Wall set	Desk set
Business service	$1 00	$1 25
Residence service	50	75
Extension station on same premises as primary station	1 00	1 25

Extension bell, 25 cents per month.

(b) Switching rate—

This rate, applicable to the primary station, is The Pacific Telephone and Telegraph Company's switching charge in effect in its Campbell exchange.

(c) Mileage rate—

$0.50 for each one-quarter (¼) mile or fraction thereof per month per line.

Conditions.

(1) The total charge will be the sum of the charges resulting from the application of the above rates (a), (b) and (c).

(2) The mileage charge in the above rate (c) is based on the air line distance from the subscriber's primary station to the nearest point on the primary rate area boundary of the Campbell exchange.

(3) The subscriber will be allowed a discount of ten (10) per cent on the station rate under rate (a) above if the total bill is paid for one year in advance during the first month of the year.

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EXHIBIT "B."

RULES AND REGULATIONS GOVERNING TELEPHONE SERVICE.

A. Service Connection Charges.

Service connection charges provided for hereunder are payable at the time application for the particular service or facility is made and are in addition to the regular schedule of rates.

Service connection charges apply to all exchange service and facilities in accordance with the following provisions:

(1) New service—

Individual and party lines:	
Business and residence, each station	$3 50
Extension stations:	
Business and residence, each station	1 50

(2) Additional service—

Individual and party lines:	
Business and residence, each station	3 50
Extension stations:	
Business and residence, each station	1 50

(3) Service where the telephone instrument is already in place on subscriber's premises—

Business and residence, subscriber's exchange service, one or more units	1 50

A change in location or type of instrumentalities made at subscriber's request is subject to the charges for moves and changes, provided the total charges for such moves and changes shall not exceed the charges for the initial establishment of the subscriber's complete service and facilities.

Service connection charges do not apply under the following conditions:

Business service:

(a) When service is assumed by a receiver or trustee, executor or administrator of an estate.

(b) Change in the name of the business concern (*i. e.*, individual, partnership, syndicate or corporation) when there is no complete change in ownership or management.

Residence service:

(a) When service is assumed by a member of the former subscriber's family located in the same premises.

(b) When there is no change in the individuality of the recipient.

(c) When the subscriber's name has been changed by marriage or court order.

(d) When an employer has arranged for service in the residence of his employee and the latter desires personally to assume the responsibility for the service or when the responsibility for the service of an employee is to be assumed by his employer.

B. Moves and Changes.

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company and the charges for such work will be as follows:

(a) Telephone sets—

1. Moving from one location to another	$2 00
2. Change in type or style	2 00

(b) Other equipment and wiring—

Charges for moving or changing of equipment or wiring other than that included under (a) will be an amount equal to the actual cost of labor and material involved.

(c) Maintenance—

The charges specified above do not apply if the changes or moves are initiated by the telephone company and required for proper maintenace of the equipment or service.

(d) Change in class of service—

The charges specified above do not apply if the changes are required because of a change of type, class or grade of service.

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C. *Service Charge for Restoration of Service.*

A service charge of $1.00 may be made and collected by the company before the restoration of service, where service has been temporarily discontinued for any of the following reasons:

(a) Nonpayment of bills as required by the company's rules and regulations.
(b) To protect the company against fraud.
(c) For failure of subscriber to comply with the company's rules and regulations after service has been established.
(d) For any other reason for which the subscriber is responsible except a change in class, type or grade of service or location of facilities.

When a service has been permanently disconnected the above charge does not apply.

D. *Definitions, Rules and Regulations.*

Definitions, rules and regulations similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478, except as modified in sections A, B, and C above.

DECISION No. 15695.

IN THE MATTER OF THE APPLICATION OF MIDWAY GAS COMPANY, A CALIFORNIA CORPORATION, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, FOR AUTHORITY TO CONSTRUCT A THIRTEEN-INCH NATURAL GAS LINE EXTENDING FROM A POINT IN THE VENTURA RIVER OIL FIELD, VENTURA COUNTY, TO A POINT IN THE COUNTY OF LOS ANGELES, TYING IN WITH APPLICANT'S EXISTING NATURAL GAS LINES EXTENDING FROM TAFT TO WEST GLENDALE, CALIFORNIA, AND FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, TO EXERCISE CERTAIN FRANCHISE RIGHTS IN THE COUNTY OF VENTURA, AND IN THE CITIES OF SAN BUENAVENTURA, SANTA PAULA AND FILLMORE UNDER FRANCHISES PROVIDED FOR BY APPLICANT.

Application No. 11672.

Decided November 30, 1925.

CERTIFICATE—GAS UTILITY—PIPE LINE.—Certificate granted.

Thos. J. Reynolds, for Applicant.
LeRoy M. Edwards, for Southern Counties Gas Company.

BY THE COMMISSION.

OPINION.

Midway Gas Company of California asks the Railroad Commission to certify that the present or future public convenience and necessity require the construction of a pipe line for the transmission of natural gas from the Ventura River oil fields to connect near Castaic with applicant's existing natural gas line extending from Taft to West Glendale, California, and to exercise in the construction and operation of such a line, franchise rights granted, or to be granted, by the county of Ventura and the cities of San Buenaventura, Santa Paula and Fillmore.

It appears from the evidence presented at a public hearing held on September 24, 1925, before Examiner Williams, that the supply of gas available in Ventura River oil field has been greatly increased during the last few months, and also that the sources of natural gas in the Los Angeles basin, from which applicant receives natural gas for distribu-

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tion in this territory, are constantly diminishing. These statements are in accord with the results of investigations that have been carried on by the Commission's engineers.

It was brought out at the hearing that applicant has contracted with the Shell Oil Company and the General Petroleum Company, who are operating in the Ventura River oil field, for the purchase of some thirteen and a half million cubic feet of gas per day. This gas is now being blown to the atmosphere, and in order to secure the further production from these sources applicant has started the construction of the thirteen-inch pipe line in question. At the time of filing of the application for certificate, applicant was handling approximately 200,000,000 cubic feet of natural gas per day, secured mainly from the oil and gas fields in the so-called Los Angeles basin.

The available quantity of natural gas from fields in the Southern basin has constantly decreased and investigation made by the Commission's engineers shows that unless additional natural gas is brought into this territory for distribution, there will be a gas shortage during the coming winter months, provided the same are of normal, or lower than normal, temperature. As a matter of fact, there were several days last winter during which it was necessary to discontinue natural gas service to industrial consumers in the Los Angeles area.

At the public hearing, attorney for applicant stipulated that Midway Gas Company will not serve any consumers in Ventura County, or in any incorporated town or city in Ventura County. Applicant further states that construction of said thirteen-inch natural gas line will be financed through short time loans from certain banks in the city of Los Angeles, or through the issuance and sale of long term notes.

The granting of the certificate prayed for at this time is justified by the prospective convenience and necessity of the public as a whole rather than by any immediate necessity of the consumers now served by Midway Gas Company. The certificate that is granted will therefore be subject to the condition that the gas to be transmitted by the line herein authorized will be distributed for the entire public rather than for the limited portion served by Midway Gas Company.

ORDER.

Midway Gas Company of California having applied to the Railroad Commission for an order certifying that present, or future, public convenience and necessity require the construction of a pipe line for the transmission of natural gas and the exercise of the rights and privileges of certain franchises granted, or to be granted, to Midway Gas Company of California, a public hearing having been held, the matter being submitted and now ready for decision:

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The Railroad Commission hereby certifies and declares that public convenience and necessity require, and will require, the construction, by Midway Gas Company of California, of a pipe line for the transmission of natural gas in the approximate location and along the route shown in maps submitted as applicant's Exhibit "G," from a point in the Ventura River oil field to a point near Castaic in the county of Los Angeles, and the exercise by Midway Gas Company of the rights and privileges under franchises granted, or to be granted, county of Ventura, cities of San Buenaventura, Santa Paula and Fillmore, all subject to the following conditions, and not otherwise.

1. That in the event of the shortage in the supply of natural gas in Los Angeles, Orange, San Bernardino, or Riverside counties, the natural gas transported by means of said pipe line shall be disposed of and distributed in accordance with the orders of this Commission.

2. That on or before December 31, 1925, Midway Gas Company of California shall file with this Commission a copy of each of said franchises and a stipulation duly executed on authority of its board of directors, agreeing that it will never claim for any of said franchises a value in excess of the cost thereof.

3. The authority herein granted shall become effective only upon the issuance of a supplemental order by the Railroad Commission approving the stipulations referred to in condition No. 2 above.

Dated at San Francisco, California, this thirtieth day of November, 1925.

Decision No. 15697.

IN THE MATTER OF THE APPLICATION OF SWEETWATER WATER CORPORATION, A CALIFORNIA CORPORATION, TO ISSUE AND SELL ONE HUNDRED THOUSAND DOLLARS OF BONDS.

Application No. 11919.

Decided November 30, 1925.

SECURITIES—WATER UTILITY—TO ISSUE.—Application of Sweetwater Water Corporation to issue and sell $100,000 of first mortgage 6 per cent serial gold bonds, granted.

Philip Storer Thacher, for Applicant.

BY THE COMMISSION.

OPINION.

Sweetwater Water Corporation asks permission to issue $100,000 of first mortgage 6 per cent serial gold bonds and sell the same at not less than 98 per cent of their face value and accrued interest for the purpose of paying indebtedness, acquiring property and reimbursing its treasury on account of earnings expended for the acquisition and construction of properties.

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Sweetwater Water Corporation was organized on or before January 12, 1920, for the purpose of acquiring, extending and operating the properties of Sweetwater Water Company. By Decision No. 7202, dated March 2, 1920 (Volume 17, Opinions and Orders of the Railroad Commission of California, page 853), the Commission allowed the company to issue $1,000,000 of stock and $450,000 of serial bonds in payment for the properties of Sweetwater Water Company, and to pay debts of that company assumed by applicant.

By Decision No. 7202 the Commission also authorized applicant to execute a mortgage to secure the payment of an authorized serial bond issue of $650,000. The payment of the $100,000 of bonds which applicant now asks permission to issue is secured by the mortgage executed pursuant to the authority granted in Decision No. 7202. The $100,000 of bonds, though called in the mortgage "serial bonds," mature January 1, 1940.

Applicant in its Exhibit No. 1 reports net capital expenditures from January, 1921, to September, 1925, both inclusive, of $160,269.69. To pay for such expenditures, applicant borrowed $25,000 from the Southern Trust and Commerce Bank and invested in property part of its surplus earnings which, on September 30, 1925, are reported at $147,899.98.

In this proceeding it asks permission to use the proceeds obtained from the sale of the $100,000 of bonds to pay the $25,000 note due Southern Trust and Commerce Bank, to expend $9,500 to acquire the property now used by it for its garage, meter repair shop, and pipe storage yards, more particularly described as follows:

The west seventy-five (75) feet of lots one (1) to five (5) inclusive, also all of lots six (6) to eleven (11) inclusive. All situated in block ten (10), city plat of National City, San Diego County, California,

and to reimburse in part its treasury on account of earnings expended for the acquisition and construction of additions and betterments to its properties.

It is of record that the bonds will be issued from time to time as applicant may have need for the proceeds.

ORDER.

Sweetwater Water Corporation having applied to the Railroad Commission for permission to isue $100,000 of bonds, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should be granted, as provided in this order; therefore,

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It is hereby ordered, that the Sweetwater Water Corporation be and it hereby is authorized to issue and sell on or before June 30, 1926, at not less than 98 per cent of their face value and accrued interest, $100,000 of its first mortgage 6 per cent serial gold bonds due January 1, 1940, and use $25,000 of the proceeds to pay the $25,000 note due Southern Trust and Commerce Bank of San Diego, referred to in the opinion that precedes this order, use $9,500 to acquire the property described in the foregoing opinion, and use the remainder to reimburse its treasury on account of earnings expended for the acquisition, extension and construction of additions and betterments to its properties.

It is hereby further ordered, that the authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $100, and that applicant shall keep such record of the issue, sale and delivery of the bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this thirtieth day of November, 1925.

DECISION No. 15698.

IN THE MATTER OF THE APPLICATION OF THE CALISTOGA AND CLEAR LAKE STAGE CO. FOR PERMISSION TO ISSUE STOCK.

Application No. 11953.

Decided November 30, 1925.

SECURITIES—STOCK—TO ISSUE.—Application of Calistoga and Clear Lake Stage Co. to issue $78,000 of stock, granted.

Sam Aronson, for Applicant.

BY THE COMMISSION.

OPINION AND ORDER.

Calistoga and Clear Lake Stage Co. was organized on or about February 12, 1913, with an authorized stock issue of $25,000 divided into 25,000 shares of the par value of $1 each. On or about October 9, 1925, the authorized stock of the company was increased to $150,000 divided into 150,000 shares of common stock of the par value of $1 each. The company now has $25,000 of stock outstanding, one-half of which, according to applicant's petition, is owned by Sam Aronson and one-

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half by Joseph Palace. Applicant reports that since April 27, 1925, it expended $62,385 for the following purposes:

Two Dodges, 1925, sedans	$2,660 00
Jewett, 1925, sedan	1,975 00
Three Garfords, 1925, 19-passenger	21,000 00
One Buda motor, 6-cylinder	5,000 00
White, 6-cylinder, 16-passenger, new body	5,000 00
White, baggage car, Model 45, new body	5,000 00
New electric plant of Middletown garage	2,000 00
Automobile parts	4,000 00
Tires and tubes	4,000 00
Shop equipment	3,000 00
Attorney's fees and investigation of line, actual cash expenditures	750 00
Betterments and improvements to properties owned prior to April 27, 1925	8,000 00
Total	$62,385 00

It is of record that applicant obtained the $62,385 from its stockholders. Applicant asks permission to issue $63,000 of stock to pay the amounts that have been advanced by stockholders. In addition it asks permission to issue and sell $15,000 of stock to pay for two new Garford 19-passenger stages, which it estimates will cost about $7,500 each.

The Commission has given consideration to applicant's request and is of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted, as herein provided, and that the issue of the stock is reasonably required by applicant; therefore,

It is hereby ordered, that Calistoga and Clear Lake Stage Co., a corporation, be and it is hereby authorized to issue $63,000 of its capital stock to pay indebtedness incurred in making the additions, betterments and improvements referred to herein.

It is hereby further ordered, that Calistoga and Clear Lake Stage Co., a corporation, be and it is hereby authorized to issue and sell at par for cash $15,000 of its capital stock and to use the proceeds to pay for two new Garford 19-passenger automobile stages.

It is hereby further ordered, that Calistoga and Clear Lake Stage Co. shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof, but that under such authority no stock may be issued after June 30, 1926.

Dated at San Francisco, California, this thirtieth day of November, 1925.

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Decision No. 15700.

IN THE MATTER OF THE APPLICATION OF THE CALIFORNIA-OREGON POWER COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA: (A) AUTHORIZING THE ISSUE AND PLEDGE OF TWO MILLION ONE HUNDRED EIGHTY-SEVEN THOUSAND THREE HUNDRED DOLLARS OF SERIES "D" FIRST AND REFUNDING MORTGAGE BONDS; (B) THE EXECUTION OF A GENERAL AND REFUNDING MORTGAGE COVERING ALL OF ITS PRESENTLY OWNED AND HEREAFTER ACQUIRED PROPERTIES; (C) AUTHORIZING THE ISSUE AND SALE OF THREE MILLION DOLLARS OF SERIES "A" GENERAL AND REFUNDING MORTGAGE BONDS.

Application No. 12081.

Decided November 30, 1925.

SECURITIES—BONDS—TO ISSUE.—**The California-Oregon Power Company authorized to execute mortgage and to issue at not less than par $2,187,300 of Series "D" 5½ per cent first and refunding mortgage gold bonds, due February 1, 1946, and to issue and sell at not less than 93 per cent of face value, plus accrued interest, $3,000,000 of Series "A" 5½ per cent general and refunding mortgage gold** bonds, due February 1, 1946.

Dunne, Brobeck, Phleger and Harrison, by *W. J. Brobeck* and *J. E. Cook*, for Applicant.

BY THE COMMISSION.

OPINION.

The California-Oregon Power Company asks the Railroad Commission to make an order:

1. Authorizing the company to execute and deliver to the trustee under its proposed general and refunding mortgage, and to be held by said trustee as collateral to secure the payment of the bonds which may be issued under said general and refunding mortgage, $2,187,300 of first and refunding mortgage 5½ per cent sinking fund gold bonds of Series "D," to mature February 1, 1946.

2. Authorizing the company to execute a general and refunding mortgage to the Mercantile Trust Company of California, as trustee, said mortgage to be dated February 1, 1926, and to be a lien on all of the company's properties now owned or hereafter acquired.

3. Authorizing the company to issue and sell at not less than 93 per cent of face value and accrued interest $3,000,000 of 5½ per cent Series "A" general and refunding mortgage gold bonds, to mature February 1, 1946.

4. Authorizing the company to execute, issue and deliver temporary certificates to be hereafter exchanged for the bonds which it asks permission to issue.

The California-Oregon Power Company has an authorized first and

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refunding mortgage bond issue of $10,000,000. As of September 30, 1925, the company had outstanding bonds as follows:

Series "A" 7½s first and refunding	$1,870,300 00
Series "B" 6s first and refunding	4,500,000 00
Series "C" 5½s first and refunding	2,600,000 00
Sub-total	$8,970,300 00
Rogue River Electric Company 5s	583,000 00
Total	$9,553,300 00

First and refunding bonds in the amount of $583,000 are reserved to redeem or refund the Rogue River Electric Company bonds with the result that $9,553,300 of the first and refunding bonds are now outstanding or are reserved to redeem or refund underlying bonds. In addition, $129,700 of the first and refunding bonds have been issued and redeemed through the sinking fund created by the first and refunding mortgage. Adding the $129,700 to the $9,553,300 makes a total of $9,683,000 of first and refunding mortgage bonds which the company has issued under said mortgage or reserved to redeem or refund underlying bonds. As stated, the total amount of bonds which may be issued under the first and refunding mortgage is limited to $10,000,000. Deducting the $9,683,000 from the $10,000,000 leaves only $317,000 of first and refunding mortgage bonds available for the financing of future construction.

By Decision No. 8731, dated March 10, 1921, in Application No. 6574 (Volume 19, Opinions and Orders of the Railroad Commission of California, page 487), the Railroad Commission authorized The California-Oregon Power Company to issue $1,849,000 of 7½ per cent bonds payable February 1, 1941. By decision No. 9586, dated October 4, 1921, in Application No. 7169 (Volume 20, Opinions and Orders of the Railroad Commission of California, page 648), the Commission authorized the company to issue $151,000 additional 7½ per cent Series "A" first and refunding mortgage bonds. The total amount of such bonds authorized by the Commission is $2,000,000. As of September 30, 1925, $1,870,300 of 7½ per cent bonds were outstanding.

The company intends to exercise the right reserved to itself and redeem the 7½ per cent bonds on February 1, 1926, at 110 and accrued interest. The first and refunding mortgage permits it to issue bonds under said mortgage in substitution for the 7½ per cent bonds. As stated, however, only $317,000 of the first and refunding mortgage bonds remain available for financing the cost of additions and betterments. The company's stockholders on November 24th approved a reso-

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lution increasing its authorized bonded indebtedness from $12,000,000 to $50,000,000. The company intends to execute a new general and refunding mortgage to secure the payment of the increased authorized bonded indebtedness. At this time the company asks permission to issue and sell $3,000,000 of general and refunding mortgage Series "A" bonds to bear interest at 5½ per cent per annum, and to mature February 1, 1946. The company asks permission to sell the bonds at not less than 93 per cent of their face value and accrued interest. Of the proceeds realized from the sale of such bonds it asks permission to use $2,066,000 to redeem the 7½ per cent Series "A" first and refunding mortgage bonds to pay expenses incident to the issue of the new bonds. The remaining proceeds, estimated at not less than $724,000, it asks permission to use to pay indebtedness, incurred in connection with the construction of the company's hydro-electric plants, and additions and betterments to its other properties. It is of record that the company's current indebtedness amounts to approximately $1,000,000, which is represented by short term notes bearing interest at the rate of 5½ to 7 per cent per annum. The expenses incident to the issue of the $3,000,000 of bonds should be paid out of the current income of the company.

John D. McKee, president of The California-Oregon Power Company, testified that the refunding of the 7½ per cent bonds through the issue of 5½ per cent bonds at 93 will result in a gross annual saving of about $18,000 and a net annual saving of about $8,000. The difference between the sums is the amount that must be set aside annually to amortize the $351,000 increase in the bonded debt of the company caused by the refunding.

The company has not yet submitted to the Commission a copy of its proposed general and refunding mortgage. The testimony, however, shows that such mortgage is to be a lien on all the company's properties now owned or hereafter acquired and that there is to be deposited with the trustee under the general and refunding mortgage, $2,187,300 of the company's first and refunding Series "D" bonds, if the issue of such bonds and the deposit is permitted by the Commission. From time to time additional first and refunding bonds may be deposited. None of the bonds herein authorized to be issued may be issued and delivered until the company has been authorized to execute a general and refunding mortgage and has complied with such other provisions of the order or orders in this proceeding which may be conditions precedent to the issue of the bonds.

ORDER.

The California-Oregon Power Company having applied to the Railroad Commission for permission to issue bonds in the amounts indicated in the opinion which precedes this order and execute a general and

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refunding mortgage, and issue temporary certificates to be exchanged for said bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required for the purposes specified in this order, that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should at this time be granted only to the extent as it affirmatively appears in this order; therefore,

It is hereby ordered, that The California-Oregon Power Company be and it is hereby, after the effective date of this order, authorized to issue at not less than par, $2,187,300 face value of Series "D" 5½ per cent first and refunding mortgage gold bonds due February 1, 1946, and deposit said bonds with the trustee under its general and refunding mortgage, if applicant is hereafter authorized to execute such mortgage.

It is hereby further ordered, that The California-Oregon Power Company be and it is hereby authorized, after the effective date hereof, to issue and sell at not less than 93 per cent of the face value and accrued interest, $3,000,000 of Series "A" 5½ per cent general and refunding mortgage gold bonds due February 1, 1946, and use $2,057,330 of the proceeds to redeem the $1,870,300 face value of outstanding Series "A" 7½ per cent first and refunding mortgage gold bonds and use the remainder of the proceeds, other than accrued interest, to pay indebtedness incurred to acquire or construct extensions, additions and betterments to applicant's properties. The accrued interest may be used for general corporate purposes.

It is hereby further ordered, that The California-Oregon Power Company be and it is hereby authorized, after the effective date hereof, to issue temporary certificates to be thereafter exchanged for the bonds herein authorized to be issued, the issue of said temporary certificates being subject to all the terms and conditions under which said bonds may be issued.

It is hereby further ordered, that The California-Oregon Power Company shall keep such record of the issue, sale and delivery of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted to issue bonds will not become effective until after applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $1,065, nor until the Commission has authorized applicant to execute

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a general and refunding mortgage to secure the payment of the $3,000,000 of general and refunding mortgage bonds, nor until there has been filed with the Commission a detailed statement of applicant's construction expenditures from April to September, 1925, both months inclusive. Under the authority herein granted no bonds may be issued, sold or delivered after May 1, 1926.

Dated at San Francisco, California, this thirtieth day of November, 1925.

DECISION NO. 15701.

TOWN OF NORTH SACRAMENTO, A MUNICIPAL CORPORATION,

vs.

NORTH SACRAMENTO LIGHT AND WATER COMPANY, A CORPORATION.

Case No. 2105.

Decided November 30, 1925.

SERVICE—WATER UTILITY—TO EXTEND.—Complaint of town of North Sacramento against North Sacramento Light and Water Company to require extension of water service, dismissed.

C. L. Gilmore, for Complainant.
Harry L. Huston, for Defendant.

SEAVEY, *Commissioner*.

OPINION.

In this proceeding the town of North Sacramento asks the Railroad Commission to require the North Sacramento Light and Water Company to extend its mains and serve domestic water to the inhabitants of the following described territory: blocks A, 2, 3, 5, 6, 7, 10, 11 and 17 of North Sacramento subdivision number eight and blocks 45, 46, 47, 48, 49, 50, 51 and 69 of North Sacramento subdivision number one, all of which are within the city limits of North Sacramento

A public hearing in this proceeding was held in North Sacramento.

The evidence shows that the North Sacramento Light and Water Company has never served water in this area, and that in order to give the requested water service it would be necessary to construct approximately three miles of distribution mains. J. N. Bidwell, the city engineer of North Sacramento, testified that mains of two inches in diameter would supply the area, but admitted, however, that an installation of this size pipe would not provide an adequate supply of water to the inhabitants and would result in very poor and unsatisfactory pressure and service. According to the company adequate service could not be rendered this area unless large size feeder mains were installed in order to supply the smaller distribution mains.

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The company contends that this extension should consist of at least 3000 feet of 6-inch pipe and three miles of 2-inch pipe. The cost of the complete main installation was estimated by the various parties to be $7,700 for three miles of 2-inch pipe and $5,307 for 3000 feet of 6-inch pipe. The cost of the services and meters for the consumers in the territory was estimated to be $27 for each consumer.

The record shows that the present rates charged by the company produce approximately $16 in gross revenue per consumer per year. As there are about 20 prospective consumers in the area in which extension of service is desired, the annual revenue from these consumers would be about $320. This sum is not sufficient to provide interest charges and operating expense and a depreciation allowance upon the extension, the first cost of which is estimated to be approximately $13,500.

A consideration of the evidence submitted indicates that this area is very sparsely settled and that this extension could not be made compensatory to the company from the revenues of the present residents, or those residents who may be expected to require service within a reasonable period in the future; and that the losses in interest and maintenance which would result from making this installation as requested can not fairly be charged against the other consumers on the system. The Commission has found that under average conditions an extension of a pipe line to serve a new territory does not become compensatory until the revenue received from the sale of water therefrom for twelve consecutive months equals 25 per cent of the cost of the extension and of the services and meters attached thereto. Such a revenue is necessary to cover maintenance and operating expenses, depreciation, a return on the investment in the extension, and also the cost of producing the water and conveying same through the system to the point where it enters the extension. Under these conditions it is evident that the cost of the pipe lines and other facilities necessary to supply the territory mentioned in this complaint could not be financed by this utility without unduly burdening the other consumers on the system. While the Commission realizes that water service is needed in this territory and that such service is greatly desired by those people now residing in the area, it appears that the present stage of development does not warrant the Commission to direct the installation of the extension at this time. The complaint therefore must be dismissed.

The following form of order is submitted:

ORDER.

Formal complaint having been made to the Commission as entitled above, a public hearing having been held thereon, the matter having

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been submitted and the Commission being now fully informed in the premises;

It is hereby ordered, for the reasons stated in the preceding opinion, that the above proceeding be and the same is hereby dismissed.

The effective date of this order shall be twenty (20) days after the service thereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this thirtieth day of November, 1925.

DECISION NO. 15708.

IN THE MATTER OF THE APPLICATION OF SAN FERNANDO TELEPHONE AND TELEGRAPH COMPANY, A CORPORATION, FOR AUTHORITY TO PLACE IN EFFECT CERTAIN CHARGES.

Application No. 12049.

Decided November 30, 1925.

RATES—TELEPHONE UTILITY—MOVES AND CHANGES.—San Fernando Telephone and Telegraph Company authorized to establish standard charge of $3 for each move or change of telephone equipment upon request of subscriber.

BY THE COMMISSION.

ORDER.

Whereas, San Fernando Telephone and Telegraph Company having filed an application with this Commission requesting authority to file and place in effect certain rules and regulations relative to charges for moves and changes of telephone apparatus; and,

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations and it appearing that applicant's request is reasonable and that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that San Fernando Telephone and Telegraph Company be and it is hereby authorized to file with this Commission, effective as of January 1, 1926, the following rules and regulations:

1. Moves and Changes.

Moves and changes of telephone apparatus and wiring on subscriber's premises, at the request of the subscriber will be made by the company, and the charges for such work will be as follows:

A. Telephone sets—

(1) Moving from one location to another	$3 00
(2) Change in type or style	3 00

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C. Other equipment and wiring—

Charges for moving or changing of equipment or wiring, other than that included under A above, will be an amount equal to the actual cost of labor and material involved.

D. Maintenance—

The charges specified above do not apply if the changes or moves are initiated by the Telephone Company and required for the proper maintenance of the equipment or service.

E. Change in class of service—

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478 except as modified in Section 1, above, and as may be approved by this Commission.

Provided said rules and regulations be filed with this Commission on or before December 31, 1925.

Dated at San Francisco, California, this thirtieth day of November, 1925.

DECISION No. 15713.

IN THE MATTER OF THE INVESTIGATION, ON THE COMMISSION'S OWN MOTION, OF THE REASONABLENESS OF THE RATES, CHARGES, PRACTICES, CONTRACTS, RULES, REGULATIONS, SCHEDULES AND CONDITIONS OF SERVICE, OR ANY OF THEM, OF W. W. WARD, OPERATING A PUBLIC UTILITY WATER SYSTEM UNDER THE FICTITIOUS NAME AND STYLE OF EL PISMO WATER COMPANY.

Case No. 2152.

Decided November 30, 1925.

COMMISSION'S INVESTIGATION—WATER UTILITY—ILLEGAL PRACTICES.—It is found that W. W. Ward has in a great many instances violated and refused to abide by the rules and regulations laid down by the Commission for the operation of his water utility (El Pismo Water Company). Said Ward is directed to abide by such rules and regulations and to refund to consumers any amounts collected through unauthorized increases of rates or charges.

J. E. Morris, for the Consumers.
M. R. Van Wormer, for W. W. Ward and El Pismo Water Company.

BY THE COMMISSION.

OPINION.

This is a proceeding instituted by the Railroad Commission upon its own motion for the purpose of investigating generally the rules and regulations, practices, conduct of business and methods of operation of El Pismo Water Company, a public utility water system owned and operated by W. W. Ward and supplying water for domestic and commercial purposes to the residents of Pismo, in San Luis Obispo County.

The water system now serving the town of Pismo was originally

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installed at some time prior to 1905 by one E. W. Carpenter. The system, together with other properties in the general vicinity of Pismo beach, was subsequently acquired by J. P. Andrews, now deecased. Upon the probating of the estate of Andrews the title to his holdings vested in Mary E. Rideout, Martha M. Murphy, Hazel Murry, Nathaniel Brew and James M. Duffy. This property consisted principally of a hotel, dance hall, and a tent and cottage city operated in conjunction therewith located upon Pismo beach. In order to separate the water plant from their private business enterprises, the above Mary E. Rideout et al. formed a copartnership under the name of El Pismo Water Company and conducted the water operations as a separate business. All of these properties including the resorts, together with the water system, was sold by Mary E. Rideout et al. to W. W. Ward, defendant herein, who is the present owner. The transfer of the public utility properties involved in this sale, El Pismo Water Company, was authorized by the Railroad Commission in Decision No. 12363, rendered July 17, 1923.

This water system was installed primarily for the purpose of serving the above resort properties. However, the pipe lines were extended from time to time to premises in the general vicinity of the resorts, until at the present time this system supplies the entire town of Pismo. This type of piecemeal extension and construction has of necessity resulted in the development of a rather aimless distribution system and has also resulted in a water system which is inadequate to render proper service to the entire community which it now undertakes to serve. The water supply for this system is obtained by pumping from wells. The water is so impregnated with various mineral salts as to be extremely unpalatable and unsatisfactory for domestic purposes.

For the past year or more the Commission has received numerous complaints against this utility from the consumers. These complaints involve refusals to extend mains, refusals to install service connections, arbitrary and nonuniform charges for the installation of service connections and meters, incorrect water bills, refusal to correct obvious errors in water bills, and discourteous treatment accorded consumers when making complaint to the owner or officials of the company. Arbitrarily and without authority from the Commission the flat rates for water service were increased by Ward, applicable to all service rendered subsequent to June 1, 1925. All of these matters have been taken up informally by correspondence and in certain instances by personal investigation conducted by representatives of the Commission. While some of the complaints were properly adjusted, other complaints involv-

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ing similar matters continued to arise until it became apparent to the Commission that the attitude of Mr. Ward was such that nothing could be gained by informal negotiations and that in order to protect the public interests and the rights of the consumers the conditions demanded that the Commission take immediate formal action against the owner of this utility, to the end that the causes of complaint be remedied. Accordingly the Commission upon its own motion instituted the present investigation, and a public hearing thereon was held before Examiner Austin at Pismo.

The evidence shows that commencing with the month of June, 1925, defendant Ward upon his own initiative and without authority from this Commission increased the flat rates for water service to a large number of his consumers, and that although directed by the Commission to refund this excess collected over and above his legal rates and thereafter adhere to his official rate schedule, he has not done so.

Defendant Ward contends that the rules and regulations of his water company which were accepted for filing on January 24, 1924, by the Commission were signed and filed with the Commission by one John Weil, superintendent of El Pismo Water Company, without the authority, knowledge or consent of the owner and defendant, Ward, and are therefore in no manner binding upon him either as to the rates or any of the various rules and regulations contained in the schedule. This contention is clearly unsound and can not be accepted by the Commission. The effective rate schedule, rules and regulations of this company are those which are officially on file with this Commission and which were filed and accepted on the twenty-fourth day of January, 1924.

In view of the evidence to the effect that defendant Ward arbitrarily and upon his own initiative, without the proper authority of this Commission, increased the rates charged for water service to certain of his consumers for service rendered subsequent to the month of May, 1925, it is apparent that all money collected in excess of the established rates was illegally collected and therefore should be returned to the consumers. The following order will provide for the return of this money improperly collected by giving credit upon the monthly water bills. The utility therefore will be directed to refund to all consumers any excess charges made for water service over and above the established rates officially on file with this Commission before such increase was put into effect and as set out in the rate schedule below, upon the basis of a credit to the extent of the total monthly water bills of the consumers affected, until the entire amount illegally collected shall have been returned.

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Set out below are the legal rates now effective upon the system of El Pismo Water Company:

Official Rates of El Pismo Water Company.

W. W. Ward, Owner, El Pismo, San Luis Obispo County, Cal.

Flat.	Per month
Stores and offices	$1 25
Houses, apartments and rooming houses, 3 rooms or less	1 25
For each additional room	15
Hotel, dining room and kitchen	5 00
Bedrooms in hotel or detached, per room	30
Restaurants per seating capacity	075
Minimum	1 50
Barber shops	1 50
Horses or cows, each	10
Saloons or bars	5 00
Soda fountains and ice cream parlors	1 50
Public garages	3 00
Houses and tents with faucet only on outside	75
Lawns, flowers and gardens, per 100 square feet during irrigation	04
Meter.	
Minimum for 250 cubic feet or less	1 00
All use over 250 cubic feet, per 100 cubic feet	25

Another complaint which has been made by the majority of metered water users is to the effect that the amounts charged on the monthly statements are not correctly figured according to the rate schedule and the meter readings. In the case of one Mrs. W. D. Burton, who filed with the Commission as exhibits eight consecutive monthly meter bills commencing with December, 1924, the evidence shows that not one of the bills was computed correctly. Although the variations ranged from 1 cent to 23 cents, nevertheless the bills were incorrect, with no plausible explanation for such errors other than carelessness. No reason occurs to the Commission why it should not be possible to exercise sufficient care in the computing of monthly bills to insure their correctness. The defendant will be expected to take whatever steps may be necessary to remedy this cause of complaint so that no difficulties will arise in the future from such sources.

Defendant Ward has generally caused unnecessary delay in installing service connections and extending mains for new consumers. Although the rules and regulations of this company do not authorize a charge to be made for service or meter installation and provide for the extension of 150 feet of main at the company's expense for each permanent consumer, nevertheless Ward has disregarded these rules and has charged the consumers for such installations in most cases, granting to some refunds by way of credit on the water bills, but in many instances this refund has been refused. No uniform policy has been adhered to. The general practice of the Commission has always

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been to require all water, gas, electric or telephone utilities to install at their own expense a service connection to the property line or curb line of property abutting upon a public street or highway. In the case of water utilities the term "service connection" as used herein is interpreted to include the meter and meter boxes. Defendant Ward will be required to comply strictly with his rules and regulations, which at present provide that in all cases of applications for permanent use the service pipe and meters be installed at the expense of the utility and not at the expense of the applicant for service. Accordingly in all such cases where in violation of his rules and regulations defendant Ward has required the consumer to make a deposit for a service connection or a meter, or both, and in cases where the consumer has been forced to purchase and install at his own expense the service pipe or meter, or both, which according to the defendant's rules he was under the duty to provide at his own expense, the said defendant Ward shall cause proper refund to be made to such consumer.

There is no reason why a utility serving a community the size of Pismo should not have the organization and facilities to handle such matters as applications for new service installations promptly and without delay. If the present force and equipment are insufficient, additional help and facilities should be obtained at once.

The testimony shows that A. E. Arrington applied to defendant for water service to his residence, located on one of the principal streets of Pismo, along which the company has a water main. Instead of installing the service connection directly from the main in the street in front of the premises, as is the universal practice, the defendant ran a pipe from the three-quarter-inch connection supplying a neighbor living on the same side of the street as Arrington to a point in front of the latter's property. Arrington was charged for the cost of this service connection but believing that the defendant was under the duty to make this installation at his own expense, Arrington refused to pay the bill and deposited the amount with the Commission for adjustment. In spite of the fact that defendant Ward was notified by the Commission in writing of this deposit and informed that according to his rules and regulations and the practices of the Commission such deposit precluded the right of defendant company to shut off the water for nonpayment of a bill pending settlement of the controversy, nevertheless the said Ward not only ignored and violated his own rules and regulations and the written instructions of the Commission by shutting off the water, but in addition thereto he dug up and removed that part of the service pipe extending in front of Arrington's premises to his side lot line. During the proceedings, however, Mr. Van Wormer, attorney for defendant Ward, agreed to have this pipe reconnected and provide

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for the resumption of water service to the Arrington property. Since the submission of this case the Commission has received notice from Arrington to the effect that water service has been resumed to his premises.

The evidence shows that the defendant refused the application of one Adolph Umbehend for the extension of water service to his property, consisting of ten cottages located upon lots 1 and 2, block 3 of the town of Pismo and situated within the service area of this system. This matter was taken up informally with the Commission by Umbehend, as a result of which it was agreed that the defendant should extend his water main a distance of 150 feet at his own expense in accordance with his rules and regulations, and the excess cost of the installation of the additional 70 feet of 2-inch main should be borne by the applicant for service. This excess cost amounted to $40, which was deposited by Umbehend with the company. However, instead of installing the 2-inch main as agreed, the defendant installed ¾-inch pipe, the size of which is entirely inadequate for the service required. A main of not less than two inches in diameter should be installed at once to serve the above property of Umbehend. The money deposited by Umbehend shall be returned to him in accordance with the company's rules and regulations and the practices of this Commission. This installation will be provided for in the following order.

Although the quantity of water available at the wells of this utility appears to be sufficient to supply the needs of the present consumers, yet there was practically unanimous complaint against the quality of the water from the standpoint of potability. The present wells yield a water so strongly impregnated with mineral salts as to make the water not only extremely unpalatable but almost undrinkable. According to the testimony the water used for drinking and cooking purposes must be purchased from outside sources. The Commission recognizes the fact that throughout this particular area the underground water is highly mineralized and in many cases disagreeable to the taste. Evidence was presented, however, to the effect that water is obtainable within a reasonable distance of Pismo which although not of the very highest quality from the standpoint of potability is nevertheless a vast improvement over the water furnished by this utility. The evidence presented concerning the availability of other sources of water supply for this community which would be entirely satisfactory was rather indefinite and not conclusive. However, it is clear that better water exists in the general vicinity than is now being obtained from this company's wells. Since the submission of this case defendant herein has filed an application for an increase in rates on this system, and at

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a later date an application to discontinue entirely the public utility service of water in the town of Pismo. In view of these circumstances defendant will not be ordered to procure an additional source of water supply pending the hearing of these matters.

ORDER.

The Commission having made an investigation upon its own motion into the reasonableness of the rates, charges, practices, contracts, rules, regulations, schedules and conditions of service, or any of them, of W. W. Ward, operating a public utility water system under the fictitious name and style of El Pismo Water Company, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed in the matter:

It is hereby found as a fact that the legal schedule of rates effective on the system of El Pismo Water Company, owned and operated by W. W. Ward, is that schedule of rates now officially on file with the Railroad Commission of the State of California, a true copy of which is set out in detail in the opinion which precedes this order; that W. W. Ward has charged certain of his consumers rates in excess of said rates; that the lawful rules and regulations of El Pismo Water Company are those rules and regulations of said company which are on file with the Railroad Commission and which were accepted for filing upon the twenty-fourth day of January, 1924; that W. W. Ward has in a great many instances violated and refused to abide by the said rules and regulations in the conduct of his public utility business with his consumers and the public; that W. W. Ward has ignored and refused to obey the instructions and requests of this Commission, has conducted his public utility water business in an inefficient manner, and has generally adopted operating methods prejudicial to the rights, welfare and privileges of his consumers and the public generally.

And basing its order upon the foregoing findings of fact and upon the statements of fact contained in the preceding opinion;

It is hereby ordered, that,

1. W. W. Ward be and he is hereby directed to refund to each and every consumer all amounts, if any, collected from any such consumer in excess of the lawful amount due and owing for water service rendered as computed under the effective schedule of rates now on file with this Commission, a true copy of which rate schedule is set out in the opinion which precedes this order, said refunds to be made in accordance with the terms of this order as hereinafter set forth.

2. W. W. Ward be and he is hereby directed to refund to each and every consumer all amounts, if any, deposited by any such consumer with the said W. W. Ward or El Pismo Water Company, for the pur-

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pose of covering the costs of installation of service connections, or meter, or both; *provided,* that no refunds shall be made in the case of installation for temporary purposes only; said refunds to be made in accordance with the terms of this order as hereinafter set forth.

3. All refunds directed to be made to consumers herein shall be made commencing with the water bills rendered for the month of November, 1925, and upon the basis of the total amount of the monthly water bills of such consumers entitled thereto, continuing thereafter until the full amount of the refunds shall have been made; *provided, however,* that no refund shall exceed the total amount of the refund to which any particular consumer is entitled; and *provided, further,* that in cases where consumers who are entitled to refunds under any of the foregoing orders are no longer consumers of El Pismo Water Company, the full amount of such refunds shall be paid to such consumers in cash within thirty (30) days from and after the date hereof.

4. Within thirty (30) days from the date of this order W. W. Ward shall file with this Commission a complete list setting forth the names and addresses of all consumers entitled to refunds under the terms of this order, and the amounts of such refunds due, segregated as to the classes of refunds directed herein. Thereafter W. W. Ward shall submit to this Commission a monthly statement showing the amounts refunded to each of the consumers entitled thereto, until such time as all refunds have been completed.

5. W. W. Ward is hereby ordered to install or cause to be installed within sixty (60) days from the date of this order a water main not less than two inches in diameter to serve the property owned by Adolph Umbehend, said property being lots 1 and 2, block 3, town of Pismo.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this thirtieth day of November, 1925.

DECISION No. 15735.

IN THE MATTER OF THE APPLICATION OF SOUTHERN PACIFIC COMPANY FOR PERMISSION TO INCREASE CERTAIN RATES ON EMPTY SECONDHAND CEMENT SACKS, RETURNING.

Application No. 11479.

Decided December 10, 1925.

RATES—STEAM RAILROAD—CEMENT SACKS.—Authority granted to Southern Pacific Company to cancel preferential rates on empty cement sacks, returning, and to assess regular charges on such commodity.

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F. W. Mielke and *H. W. Klein*, for Applicant.
C. F. Borce, for Protestant Old Mission Cement Company.
W. G. Higgins, for Protestant Santa Cruz Portland Cement Company.

BY THE COMMISSION.

OPINION.

This is an application by the Southern Pacific Company, in accordance with section 63 of the Public Utilities Act, to cancel certain carload and less carload rates applying on secondhand cement bags returning to their original forwarding point from which the loaded outbound movement was made, as set forth in items Nos. 1620 and 1640, carried on pages 112 and 113 of Southern Pacific Company Local Joint Proportional Freight Tariff No. 730-C, C. R. C. 2904.

The points principally involved are San Francisco, Oakland, Bay Point, Tolenas, Redwood City, Davenport and Chittenden.

A public hearing was held at San Francisco, November 6, 1925, before Examiner Geary, and the application having been duly submitted is now ready for an opinion and order. Rates will be stated in cents per 100 pounds.

The rates carried in the items to be canceled were first established March 26, 1917, being predicated upon 15 per cent of the concurrently effective class rate applicable on new cement bags, *i. e.*, fourth class less than carload and fifth class carload. These commodity rates continued in effect subject to the war time changes brought about by the increases June 25, 1918 (General Order No. 28), the increases August 26, 1920 (18 C. R. C. 646), and the reduction of 10 per cent July 1, 1922 (68 I. C. C. 676). It is in evidence that the rates were established to accommodate the reforwarding of used bags from one cement plant to another cement plant. The purchaser of cement is given an allowance for returning the empty cement bags to the mills and very often after having received consignments from different cement mills return the bags to the wrong destination because of failure to correctly read the trade marks. In this event the bags are reforwarded to the proper mills and the rates the carrier is now seeking to cancel are those primarily published to take care of this reforwarding movement due to shippers' mistakes.

After cancellation of the commodity rates the charges will be assessed under the provisions of items Nos. 310 and 330 of Pacific Freight Tariff Bureau Exception Sheet No. 1-J, C. R. C. 356, which provides for bags, less carload, the rate for outbound movement of cement, carloads, and this rate will also apply under amended item No. 310 when bags are reforwarded to the original point from which the outbound shipment of cement moved, subject to a minimum rate of 7½ cents less carload, and for carload Class B, minimum weight 12,000 pounds, or Class E, mini-

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mum weight 30,000 pounds, but not to exceed the less than carload charges.

Applicant contends that the proposed basis of rates is reasonable, *per se,* when the bags are reforwarded from one cement plant to another and that there is no justification for maintaining a lower basis for this service than for the bags returned direct to the point from which the outbound movement was made. In support of this contention applicant presented a number of exhibits comparing the rates on second-hand empty cement bags with other empty carriers transported between various points in California for distances of from 7 to 142 miles with the rates which will be in effect if this application is granted.

There appears to be no reason why cement bags requiring a second movement due to errors of shippers should be given preferential rates. A careful study of the exhibits and the testimony in connection therewith indicates that the standard basis in effect in California for other secondhand bags, returning, and here proposed for the reforwarded bags, is not unreasonable.

The cement manufacturers for whom the present commodity rates were originally established are practically in accord with applicant's contention and offered no testimony in opposition to the proposed adjustment.

Upon consideration of all the facts of record, we are of the opinion and find that applicant should be permitted to cancel the rates on empty cement bags, secondhand, returning, now published in items Nos. 1620 and 1640 of Southern Pacific Tariff No. 730-C, C. R. C. 2904, and in lieu thereof assess charges based on the provisions of items Nos. 310 and 330, as amended, and published in Pacific Freight Tariff Bureau Exception Sheet No. 1-J, C. R. C. 356.

ORDER.

This application, having been duly heard and submitted, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion which is hereby referred to and made a part hereof;

It is hereby ordered, that the application of the Southern Pacific Company be granted and applicant is hereby authorized and directed to cancel the rates on second-hand empty cement bags, returning, published in items Nos. 1620 and 1640 of Southern Pacific Tariff No. 730-C, C. R. C. 2904, and to apply in lieu thereof the provisions of items Nos. 310 and 330, to be amended as set forth in the application and published in Pacific Freight Tariff Bureau Exception Sheet No. 1-J, C. R. C. 356.

Dated at San Francisco, California, this tenth day of December, 1925.

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DECISION No. 15737.

IN THE MATTER OF THE APPLICATION OF SAN JOAQUIN LIGHT AND POWER CORPORATION FOR AN ORDER AUTHORIZING THE ISSUE AND SALE OF STOCK.

Application No. 12029.

Decided December 10, 1925.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Authority granted to San Joaquin Light and Power Corporation to issue and sell $500,000 of 7 per cent prior preferred stock, and $1,500,000 of 6 per cent prior preferred stock.

Murray Bourne, for Applicant.

BY THE COMMISSION.

OPINION.

In this application, as amended, San Joaquin Light and Power Corporation has applied to the Railroad Commission for permission to issue and sell 5000 shares of its 7 per cent cumulative prior preferred stock of the aggregate par value of $500,000 and 15,000 shares of its 6 per cent cumulative prior preferred stock of the aggregate par value of $1,500,000, and to use the proceeds to reimburse its treasury for additions, extensions, improvements and betterments to its properties heretofore made, or to provide the cost of additions, extensions, improvements and betterments to be made subsequent to September 30, 1925, the cost of which has not been reimbursed to the company or provided for from the proceeds of the sale of other securities.

San Joaquin Light and Power Corporation has an authorized capital stock of $150,000,000. The various classes of stock and the amount of each class outstanding as of September 30, 1925, are as follows:

	Authorized	Outstanding
Prior preferred 7 per cent stock	$75,000,000	$10,694,900
Class "A" 7 per cent stock	18,500,000	6,438,700
Class "B" 6 per cent stock	6,500,000	61,300
Common stock	50,000,000	11,000,000
Totals	$150,000,000	$28,194,900

The company reports that it now proposes, and is taking steps, to reclassify its prior preferred stock so as to provide for $25,000,000 of 7 per cent stock and $50,000,000 of 6 per cent stock. Aside from the dividend rates there are no differences between the two classes of prior preferred stock. The company is reclassifying its prior preferred stock because it believes it advantageous for it to be in a position to sell 6 per cent stock at this time and although it is now asking permission to sell both classes of stock, it reports that it intends to discontinue the sale of the 7 per cent stock shortly after the first of the year and thereafter to proceed with the sale of the 6 per cent stock.

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Permission is asked to use the proceeds from the sale of the stock for construction purposes. In Exhibit "B" the company reports uncapitalized construction expenditures as of September 30, 1925, at $759,251.08, the balance to complete approved estimates at $3,730,224.71 and the estimated expenditures for 1926, exclusive of the Kings River Development, at $4,446,714, the three items aggregating $8,936,189.79. From this amount the company deducts $1,524,910.30 representing the amounts obtained or to be obtained from the sale of stock and bonds heretofore authorized by the Commission, leaving a balance of $7,411,279.49 which applicant alleges has not been provided through the issue of securities and against which it now proposes to issue the $2,000,000 of stock applied for in this proceeding.

ORDER.

San Joaquin Light and Power Corporation having applied to the Railroad Commission for permission to issue stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that San Joaquin Light and Power Corporation be and it is hereby authorized to issue and sell, on or before December 31, 1926, $500,000 of its 7 per cent cumulative prior preferred stock at not less than par, and $1,500,000 of its 6 per cent cumulative prior preferred stock at not less than 90 per cent of par value.

It is hereby further ordered, that San Joaquin Light and Power Corporation be and it is hereby authorized to consolidate the proceeds to be received from the sale of the stock herein authorized with the proceeds received, or to be received, from the sale of the stock heretofore authorized to be issued and sold by orders in Applications Nos. 5207, 10786 and 11033, and to use such consolidated proceeds to reimburse its treasury for additions, extensions, improvements and betterments heretofore made, or to provide the cost of additions, extensions, improvements and betterments to be made subsequent to September 30, 1925, described in applicant's Exhibit "B," the cost of which has not been reimbursed or provided through the sale of other securities, provided that only such expenditures as are properly chargeable to fixed capital accounts, as such accounts are defined by the classification of accounts prescribed or adopted by this Commission, may be financed with such proceeds.

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It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this tenth day of December, 1925.

DECISION No. 15739.

IN THE MATTER OF THE APPLICATION OF M. C. LANGSTAFF, OWNER AND MANAGER OF THE FOREST HILL TELEPHONE EXCHANGE, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING THE FILING OF RULES AND REGULATIONS RELATING TO MOVES AND CHANGES, ALSO TO APPROVE A CHARGE FOR PUBLIC TELEPHONE SERVICE.

Application No. 12157.

Decided December 10, 1925.

RATES—TELEPHONE UTILITY—MOVES AND CHANGES.—M. C. Langstaff, operating Forest Hill Telephone Exchange, authorized to establish standard charge of $3 for changes in type or location of telephone equipment, and to establish a charge of five cents for local calls from public pay stations.

BY THE COMMISSION.

ORDER.

Whereas, M. C. Langstaff, owner and manager of the Forest Hill Telephone Exchange, having filed an application with this Commission, requesting authority to file and place in effect certain rules and regulations relative to charges for moves and changes and to establish throughout the territory served by him public telephone stations as may be necessary, and a charge of five cents (5¢) for each local call made from each such public telephone station; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 8146 (18 C. R. C. 912), dated September 24, 1920, and Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations; and

Whereas, the rendering of public pay station service will be in the interest of the subscribers of the Forest Hill Telephone Exchange and of the public, and it appearing that applicant's request is reasonable and that this is a matter in which a public hearing is not necessary;

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It is hereby ordered, that M. C. Langstaff, owner and manager of the Forest Hill Telephone Exchange, be and he is hereby authorized to file with this Commission effective as of January 1, 1926, the following rules and regulations:

1. Moves and changes.

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company, and the charges for such work will be as follows:

A. Telephone sets.

1. Moving from one location to another..... $3 00
2. Change in type or style..... 3 00

C. Other equipment and wiring.

Charges for moving or changing of equipment or wiring, other than that included under A above, will be an amount equal to the actual cost of labor and material involved.

D. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the Telephone Company and required for the proper maintenance of the equipment or service.

E. Change in class of service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478 except as modified in section 1 above, and as may be approved by this Commission.

It is hereby further ordered, that M. C. Langstaff, owner and manager of the Forest Hill Telephone Exchange, be and he is hereby authorized to establish throughout the territory served by him public telephone stations as may be necessary to render adequate service to the public, and to charge the sum of five cents (5¢) for each local call made from such public telephone stations on and after January 1, 1926.

Provided said rules and regulations and rate be filed with this Commission on or before December 24, 1925.

Dated at San Francisco, California, this tenth day of December, 1925.

DECISION NO. 15744.

IN THE MATTER OF THE APPLICATION OF DOMENICO ROVAI FOR PERMISSION TO CHANGE SCHEDULE OF WATER SERVICE.

Application No. 11687.

Decided December 11, 1925.

RATES—WATER UTILITY—TO INCREASE.—Application granted.

Domenico Rovai, in propria persona.

BY THE COMMISSION.

OPINION.

Domenico Rovai owns and operates a small public utility water system supplying water for domestic and commercial purposes to residents of

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the town of Wildwood, Humboldt County. Applicant alleges in effect that he has incurred considerable expense in repairing and laying new mains and pipe lines for the purpose of rendering better service. Because of said expenditures applicant asks the Commission to authorize the following schedule of increased rates:

To average family of five persons	$2 00 per month
To families keeping boarders	4 00 per month
To hotels, restaurants and apartment houses	4 00 per month

The schedule of rates now on file with this Commission is as follows:

To average family of five persons	$1 00 per month
To families keeping boarders	1 50 per month
To hotels and business houses	2 00 per month

A public hearing in the above proceeding was held before Examiner Satterwhite at Wildwood, Humboldt County, after all interested parties had been notified and given an opportunity to appear and be heard.

The water supply of this utility is derived from springs located approximately two miles from the town of Wildwood, from which the transmission main delivers the water to an 8000-gallon tank located approximately a quarter of a mile from Wildwood, from which tank distribution is made by gravity. A small concrete dam has been constructed in the gulch below this tank, which forms a sump and collects the surplus water from the springs. At times of heavy draft water from this sump is pumped into the said tank, augmenting the supply available for delivery. There are approximately 21,180 feet of pipe in the system. On November 1, 1925, there were 54 active consumers.

At the hearing D. H. Harroun, one of the Commission's hydraulic engineers, presented a report and appraisal of the physical properties of this utility, together with a study of maintenance and operation expenses. No evidence concerning these matters was presented by applicant or consumers. The report of the Commission's engineer shows the estimated original cost of all utility water property to be $6,851 as of October 31, 1925, the replacement annuity $190 computed by the 5 per cent sinking fund method, and the maintenance and operating expenses for the immediate future were estimated to be $876.

As the applicant has little or no record of his operating costs and revenues it was necessary to estimate these items from the data available. The revenues for 1924 and 1925 have been estimated to very closely approximate $1,190 for both years. There has been very little change in conditions in Wildwood for the past three years.

Based upon the figures set out above, the operations for 1924 and 1925 result in a return of about 1.7 per cent upon the investment of $6,851. Although the expenses as set out above appear to be higher than usual for a system of this size, yet in giving full weight to this matter it is apparent that applicant is entitled to an adjustment in

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rates, to which his consumers did not object provided the service rendered was maintained at a reasonable standard of efficiency.

The evidence shows that the rate schedule requested by applicant is higher than the investment and operating conditions warrant. The schedule of rates set out below will yield revenues sufficient to cover the reasonable costs of operation and depreciation and at the same time will produce a fair return upon the capital invested in the system.

ORDER.

Domenico Rovai, applicant herein, having made application to the Railroad Commission as entitled above, a public hearing having been held thereon, and the matter having been submitted:

It is hereby found as a fact that the rates now charged by Domenico Rovai for water supplied to his consumers are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the service rendered.

Basing its order on the foregoing finding of fact and on the further statements of fact contained in the opinion which precedes this order:

It is hereby ordered, that Domenico Rovai be and he is hereby authorized to file with this Commission within twenty (20) days from the date of this order the following rates to be charged for all service rendered to his consumers in the town of Wildwood and vicinity, in Humboldt County, on and after January 1, 1926:

Flat Rates.

Residences	$1 50 per month
Hotels and commercial boarding houses	4 00 per month
Stores and shops	2 00 per month
Other commercial use, according to amount of water	$1 50 to 4 00 per month

Measured Rates.

Minimum Monthly Charges—

⅝ and ¾-inch meter	$1 50
1-inch meter	3 00
1½-inch meter	6 00
2-inch meter	7 50
3-inch meter	12 00

Each of the foregoing "minimum monthly charges" will entitle the consumer to the quantity of water which that minimum will purchase at the "monthly meter rates" set out as follows:

Monthly Meter Rates—

From 0 to 1,500 cubic feet, per 100 cubic feet	$0 20
All over 1,500 cubic feet, per 100 cubic feet	15

It is hereby further ordered, that Domenico Rovai be and he is hereby directed to file with this Commission, for its approval, within thirty (30) days from the date of this order, rules and regulations to govern his relations with his consumers.

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For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this eleventh day of December, 1925.

DECISION NO. 15745.

UNION ROCK COMPANY

vs.

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, SOUTHERN PACIFIC COMPANY, PACIFIC ELECTRIC RAILWAY COMPANY.

Case No. 2087.

Decided December 11, 1925.

RATES—STEAM RAILROAD—ROCK AND GRAVEL.—Holding that the rates complained of are not unjust, unreasonable or excessive, the Commission dismissed the complaint.

Hugh Gordon and *B. H. Carmichael*, for Union Rock Company, Complainant.
B. Levy, *Charles K. Adams* and *E. W. Camp*, for Atchison, Topeka and Santa Fe Railway Company, Defendant.
L. C. Zimmerman and *F. W. Mielke*, for Southern Pacific Company, Defendant.
Frank Karr and *C. W. Cornell* for Pacific Electric Railway Company, Defendant.
O. T. Helpling and *P. H. Campbell*, for Orange County Rock Company and Saticoy Rock Company, Interveners.
W. J. Valkenburg and *W. T. Stoops*, for Blue Diamond Company, Intervener.
D. DeCostei, for County of Los Angeles, Intervener.
Hugh Gordon, for American Crushed Rock Company, Intervener.
Fred W. Heatherly, for Consumers Rock and Gravel Company, Intervener.

SQUIRES, *Commissioner*.

OPINION.

The complainant in this proceeding is a corporation organized and existing under the laws of the state of Delaware and is engaged in the production and distribution of crushed rock, sand and gravel for use in building and general construction work in the city of Los Angeles, its adjacent territory, and in other parts of southern California.

The complaint, filed January 8, 1925, alleges that the rates assessed by defendants for the transportation of crushed rock, sand and gravel between points in southern California, involving a one-line haul, have been in the past and are now unjust and unreasonable, unduly discriminatory and prejudicial to complainant and unduly preferential and advantageous to complainant's competitors who are situated in northern California where they are served by the rails of defendants Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company.

The county of Los Angeles and the American Crushed Rock Company intervened in behalf of complainant. The Orange County Rock Company, Saticoy Rock Company, Consumers Rock and Gravel Com-

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pany and Blue Diamond Company intervened in opposition to complainant, with the proviso that if the Commission should make any adjustment in the rates from the shipping points utilized by complainant similar adjustments should be made from the shipping stations utilized by interveners.

Reparation and rates for the future are sought by complainant.

The defendants, Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Company and Pacific Electric Railway Company, will hereinafter be referred to as the Santa Fe, Southern Pacific and Pacific Electric, respectively. The term "southern California" as used herein will mean the territory south of the Tehachapi mountains and Santa Barbara to the boundary line between the United States and Mexico and east to the California-Arizona state line. The term "northern California" as used herein will mean all of the California territory north of Bakersfield and Santa Barbara. Rates will be stated in cents per ton of 2000 pounds unless otherwise noted.

Public hearings were held at Los Angeles on April 21 to 23, 1925, inclusive, and on May 20 to 23, 1925, inclusive, and the case, having been duly submitted and briefs filed by counsel, is now ready for an opinion and order.

The rates sought by complainant, with a few exceptions, are based on the mileage scale applicable in northern California as published in Southern Pacific Tariff 330-F, C. R. C. 3112, and Santa Fe Tariff 9788-I, C. R. C. 535. This scale, hereinafter discussed in detail, will be referred to as the northern California scale. The exceptions requested by complainant, predicated on 10 cents lower than the northern California scale, are intended to apply from Puente Largo to Wilmington, San Pedro, Long Beach, East Long Beach, Balboa, Redondo Beach and Hollywood; from Kincaid to Redondo Beach, and from Crushton to Mojave, Saugus, Wilmington, San Pedro, Long Beach, Huntington Beach, Newport Beach, San Bernardino and Santa Barbara.

The rates under attack are based on the so-called southern California mileage scale, hereinafter referred to as the commercial scale. This scale is unpublished, but is used by defendants as a means of arriving at the specific point to point rates. The rates on crushed rock and gravel are established on an equal basis, but on sand the rates are 10 cents lower than the rates on crushed rock and gravel. There are, however, a few exceptions to this general basis, but for the most part complainant's shipments moved under rates established by the use of this scale. For distances under 25 miles the rate on crushed rock and gravel is set at 60 cents and on sand at 50 cents. For 35 miles and over 25 miles the rate is 70 cents on crushed rock and gravel and 60 cents on sand, 10 cents being added to the latter rates for each additional block of 20 miles up to and including 75 miles, then 10 cents for each block

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of 25 miles until 175 miles is reached, then 10 cents for the next block of 50 miles. For distances over 225 miles, but not over 250 miles, the latter distance being the maximum limit of the scale, an additional 30 cents is added.

From all of complainant's plants to Los Angeles the applicable rate on crushed rock and gravel is now 60 cents and on sand 50 cents. Prior to June 25, 1918, the rate in effect on all three commodities was 35 cents. Effective June 25, 1918, by General Order No. 28 of the Director General of Railroads, this rate was increased to 60 cents. Another increase to 75 cents was made August 26, 1920, under authority of this Commission in Decision No. 7983 (18 C. R. C. 646) following similar action of the Interstate Commerce Commission in *ex parte* Order No. 74. On December 17, 1920, the latter rate was voluntarily reduced by defendants to 70 cents, and on July 1, 1922, was further reduced to 60 cents, in harmony with the order of the Interstate Commerce Commission in Docket No. 13293 (68 I. C. C. 676). A still further reduction to 50 cents was made in the rate, on sand only, effective July 31, 1922. Since the latter date the volume of the rates has not been changed. The present rates are the same as were in effect following the first general war increases effective June 25, 1918, with the exception that the rate on sand is now 10 cents lower than was in effect on June 25, 1918.

This historical data of the rate situation from complainant's plants to Los Angeles may be taken as fairly representative of the other rates herein under attack.

Defendants also maintain, but not in a tariff filed with this Commission, for application within the counties of Los Angeles, Orange, Riverside and San Bernardino, rates on crushed rock, sand and gravel known as the municipal scale, which scale applies only when the shipments are consigned to counties or to the municipal governments located therein, to the State of California when the traffic moves wholly within the counties named above, or when consigned to either the county, municipal or state governments in care of contractors in charge of the work. This municipal scale is lower than the commercial scale and is published under authority of section 17(*a*), paragraph 4, of the Public Utilities Act, which reads:

"Every common carrier subject to the provisions of this act may transport, free or at reduced rates, persons or property for the United States, state, county or municipal governments * * *."

Under this scale the rates on crushed rock, sand and gravel are on a parity. For 40 miles or under the rate is 50 cents and for the next two blocks of 10 miles each the rate is increased 10 cents for each block. For distances over 60 miles but not over 80 miles, the rate is set at 80 cents and an increase of 10 cents is made in that rate for each addi-

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tional block of 20 miles until the maximum scale limit of 120 miles is reached.

Complainant is the largest producer and distributor of crushed rock, sand and gravel in Southern California. Its products are used in the construction of roads, highways, buildings, dams, railway ballasting and for practically all work requiring the use of crushed rock, sand and gravel. The territory served by complainant is roughly described as south of the Tehachapi mountains and Santa Barbara, north of the boundary line between Mexico and the United States, and west of the California-Arizona state line. Six crushing plants, located within a radius of 25 miles of Los Angeles, are maintained by the complainant, situated at Rivas, Baldwin Park, Crushton, Kincaid, Puente Largo and Brush Canyon. The first three points named are served by both the Southern Pacific and Pacific Electric; Kincaid is served by the Santa Fe, and Puente Largo is served by the Pacific Electric. The plant at Brush Canyon is not served by a rail carrier and its products are conveyed to the consuming centers by motor truck. The Kincaid and Puente Largo plants are connected by a track approximately five-eighths of a mile long owned and maintained by the complainant and the movement of equipment over this track for shipment via either the Pacific Electric or Santa Fe, as complainant may elect, is made with the use of a locomotive owned by complainant. In addition to these six plants complainant controls, through stock ownership, the plant of intervener American Crushed Rock Company located at Claremont, 36 miles east of Los Angeles. This plant is connected with the rails of the Pacific Electric and Santa Fe by a spur track constructed and maintained by and at the expense of the American Crushed Rock Company. Thus, with the exception of the plant at Brush Canyon, complainant's plants, owned or controlled, are each served, either directly or by track connections, by two rail carriers. The record shows that the original location of these plants was largely influenced by the desire of complainant to market its products via a one-line haul, thus avoiding the higher freight rates for hauls involving two or more lines.

The combined capacity of complainant's plants, including that of the American Crushed Rock Company, is 22,000 tons per ten-hour day. The individual capacity of each plant, with the exception of the Baldwin Park and Brush Canyon plants, is 3000 tons per day, the latter two having capacities of 5000 tons and 2000 tons per day respectively. The actual production of all the plants of complainant during 1924 was 3,500,000 tons and this is estimated as approximately 50 per cent of the total used in the Los Angeles district.

Complainant also maintains for the distribution and storage of its products nine bunkers having storage capacities ranging from 1500 to

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10,000 tons. Four are in Los Angeles, situated at Sixteenth street, Slauson avenue, Merrill avenue, and Twentieth street and one each at Long Beach, Home Junction, Sherman, Vineyard and Los Nietos. The construction of these bunkers is uniform, and all are equipped for unloading purposes with endless chain buckets and electric motors. About fifteen minutes is consumed in unloading a fifty-ton car and a motor truck can be loaded from the bins in about three minutes. Additional bunker facilities are proposed to be established at Pasadena, Shorb, Compton, Wilmington and El Segundo.

The operation of these properties gives employment to from 425 to 450 men and requires an investment estimated at $5,297,000 exclusive of the value of rock lands under lease.

Crushed rock, sand and gravel are, basically, commodities of low value, capable of heavy loading and subject to a minimum amount of loss and damage. Their ultimate cost to the consumer is largely determined by the transportation and handling costs incidental to delivery. It is in evidence that the sale price f. o. b. at the crushers runs as low as 50 cents a ton for crushed rock and gravel and 5 cents a ton for sand. To these base prices must be added the freight charges, loading, unloading costs and the cost of hauling from the bunkers or from the cars, as the case may be, to the point of consumption. Practically all of this rock, sand and gravel tonnage is transported in gondola cars and is loaded to an average of about 55 tons per car.

The major portions of complainant's rail shipments are moved to Los Angeles either for delivery or storage at that point, or for subsequent delivery to points beyond. The movement to Los Angeles is usually in train loads and the empty cars are returned to the crushers in the same manner. From Puente Largo and Rivas, on the Pacific Electric, the train loads consist of about 18 cars; from Crushton and Baldwin Park, on the Pacific Electric, of about 20 cars, and from the plants served by the steam roads of about 40 to 45 cars. The method of loading and assembling the trains and the movement to Los Angeles is, with slight variation, practically the same from all crushers. Defendants spot the empty cars on complainant's spur tracks at the crushers for loading. As the cars are loaded they are moved by complainant with the aid of gravity or motive power from the crushers and set out on defendants' hold tracks to be consolidated into train loads. The cars so placed include those destined for points other than Los Angeles and also include cars which for various reasons are not intended for immediate billing. In the segregation of the cars not destined to Los Angeles and those not billed from those destined to or via Los Angeles, defendants are required to perform a varying amount of switching before the trains are finally made up for movement to Los

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Angeles. The weighing of the cars is done by defendants at Puente Largo and Kincaid and by complainant at the other points. After reaching the terminal yards at Los Angeles the trains are broken up for delivery at that point or for delivery to points beyond, as the case may be. The delivery of these cars to the terminal yard of the Pacific Electric at Butte street is made by the Southern Pacific, the Pacific Electric hauling this traffic only as far as its State street yards.

The record indicates that the total tonnage moved via rail between points in southern California during the twelve months' period immediately preceding the filing of this complaint was estimated to be 77,506 carloads, or about 67 per cent of the entire production in southern California. The balance, 33 per cent, or about 38,754 carloads, moved via auto truck, making a total estimated production of 116,260 carloads. Complainant's shipments via rail during this period totaled about 46,504 carloads, or about 60 per cent of the entire rail movement. The average daily shipments from complainant's plants for December, 1923, and for January, February, July, August and September, 1924, these six months being selected as representative of the entire year, were 152 carloads.

The record does not indicate the total rail movement in northern California during 1924; however, a witness for the Southern Pacific testified that during 1923 the movement totaled 50,943 carloads via that line, of which 11,533 were destined to San Francisco or Oakland.

Not all of the rail shipments made in southern California moved under the rates complained of in this proceeding. Complainant estimated the tonnage transported under the regular published rates which are herein assailed at 20 per cent and defendants at 51 per cent of the total rail shipments. Both estimates are typical of the period for which taken, complainant's being predicated upon its rail shipments for the month of March, 1925, and defendants' for all shipments made during the entire year of 1924. The balance of the rail movements consisted of tonnage for use of county, state or municipal governments and was moved under the so-called municipal scale, to which reference has heretofore been made. If complainant's estimate is used, the total rail movement under commercial rates would amount to about 15,501 carloads and under the municipal scale 62,005 carloads. Defendants' estimate would place the total rail movement, under commercial rates, at 39,528 carloads, and under the municipal scale at 37,978 carloads.

The movement of rock, sand and gravel for municipal purposes obviously is subject to fluctuation and will vary according to the extent of the county, state or municipal activities requiring the use of these commodities. Defendants' estimate covering the entire year of 1924 is more representative than complainant's and shows an extremely heavy movement under the municipal scale.

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Complainant argues that if the preponderance of movement is under the municipal scale, and defendants voluntarily continue that scale in effect, that fact should strongly indicate that the commercial rates are unreasonable, *per se*. On the other hand, defendants contend that when the municipal scale was established only 20 per cent of the total rail tonnage moved thereunder, and that had they anticipated the movement would ever amount to as much as 50 per cent of the total rail movement, the municipal scale would not have been established; in other words, they claim that the municipal rates are not fully remunerative.

Considering the circumstances under which these municipal rates were authorized, complainant's contention can not be sustained. It must be borne in mind that this so-called municipal scale was established under authority granted by section 17 of the Public Utilities Act for the use only of a preferred class of shippers, viz, state, county and municipal governments. Defendants might, if they so desired, lawfully transport this tonnage free of charge, but they have elected to charge rates which provide some revenue. In so doing they have accorded the state, county and municipal governments a privilege which the spirit and wording of the law clearly encourages them to give. To use these low rates as a measure for normal rates would be grossly unjust, and in the end discourage carriers from extending the privileges contemplated by the act.

Defendants maintain that the operating conditions in southern California under which the rock, sand and gravel tonnage is handled are more severe than those encountered in northern California. An operating witness for the Southern Pacific testified that in northern California but 45 per cent of the total rock tonnage handled over that line receives a switching service in major terminals, while in southern California 94 per cent of the total rock tonnage is handled through the busy Los Angeles terminal; that a switch engine operating in the major terminals of northern California handles an average of 73 cars per day at an average consumption of 6.70 gallons of fuel oil per car; that in the Los Angeles terminal, which is on a .6 per cent grade, an average of 51 cars per day are handled, with an average consumption of 8.61 gallons of fuel oil per car. Other evidence and testimony by Southern Pacific witnesses was to the effect that in southern California there are .22 of a mile of curved track per mile of line, as compared with .14 of a mile in northern California; that the curvature per mile of line is 26 degrees in southern California and 19 degrees in northern California, and the miles of grade over 1 per cent per mile of line was .37 of a mile in southern California and .05 of a mile in northern California. It was contended that as the curvature of the line and grades increases the operating expense likewise increases, which is undoubtedly a fact.

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This contention is supported by other figures. On the Los Angeles division of the Southern Pacific, where there are curves and grades, the transportation cost per thousand gross ton miles is $1.26, while on the Stockton division, where grades and curves are not encountered, the cost is 80 cents.

The assistant general manager of the Santa Fe testified that the operating cost in southern California on his line is approximately 50 per cent higher than in the San Joaquin Valley.

Defendant Pacific Electric placed great emphasis on the fact that in hauling the rock tonnage to Los Angeles severe grades are encountered at Baldwin avenue and Oneonta in the movement from Puente Largo and Rivas; at Wilmar Hill when the traffic originates at Crushton or Baldwin Park, and these grades require either the help of an additional locomotive or the breaking up of the trains and movement over the grades in two or more sections.

Much evidence was presented dealing with the difficulties encountered in moving freight trains through the congested districts of Los Angeles, a situation more or less common to all large terminal centers, but claimed to be a greater burden in Los Angeles than at any other important terminal in the west. Especially, it was contended, is this true of the Pacific Electric, for many of its lines leading into Los Angeles are used almost solely for passenger traffic because of restrictions placed by the various municipalities against the movement of freight trains on certain thoroughfares. Defendants point out that this situation is aptly illustrated by the fact that the Pacific Electric, on account of these restrictions, is compelled to employ the Southern Pacific to act as a "bridge" carrier between the State street and Butte street yards. Another difficulty in reaching the terminals through the congested districts of Los Angeles, it was said, is the fact that numerous stops are necessary; therefore, in order to avoid blocking traffic trains are frequently split into as many as six sections in order to clear and keep open the grade crossings. Thus, any advantage secured in moving the tonnage to Los Angeles in train loads is eliminated by the difficulties encountered in arriving at the terminals. All of which, it was averred, adds to the cost of moving this traffic.

Defendant Pacific Electric presented certain exhibits purporting to show the cost of handling over its lines carloads of crushed rock, sand and gravel. The average operating revenue per carload is therein given at $32.44 and the average operating expense per carload at $45.938, a net railway operating loss of $13.498 per car; or, stated another way, defendant claims that the operating revenue per ton mile is 1.792 cents and the operating expense per ton mile 2.538 cents, or a net operating loss per ton mile of .746 cents. Based upon these figures, it is claimed that for the year 1924 there was a net loss by the Pacific Electric from

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railway operation in connection with the transportation of 39,553 carloads of rock, sand and gravel of $534,052.97. The witness who presented these exhibits did not claim that the figures reflected the exact cost of handling those commodities; in fact, he stated that at best they were an approximation, but that in his opinion they were within 10 or 15 per cent of the actual cost. A consulting engineer, witness for the complainant, while presenting no exhibits in contradiction of those prepared by the Pacific Electric, made an analysis of the claimed losses and reached the conclusion, by a different method of distributing the operating expenses, that the net cost per ton mile figure should be approximately 1.54 cents instead of 2.538 cents claimed by defendant's witness. Applying this net per ton mile cost of 1.54 cents to the average carload of 55.07 tons moved an average distance of 32.87 miles, and there is produced an operating expense of $27.88, to which should be added depreciation and taxes of $3.09, making a total operating expense of $30.97 per car against the average operating revenue per carload of $32.44, a net operating profit of only $1.47 per car.

These cost figures, in a general way, may to some extent represent a more or less accurate estimate of the average cost of handling traffic, and a fluctuation in the total amount of business would bring about a substantial change in the estimates. The added cost of operating heavy traffic through difficult territory is not compensated for, as this record shows, by the additional revenue secured because of the increased traffic, especially when the service is performed at low rates. The result of these cost studies, however, does show that if the methods employed by the defendant Pacific Electric are to be taken as accurate that company is suffering a loss in the handling of this rock, sand and gravel tonnage. On the other hand, if I accept as accurate the conclusions arrived at by the engineer employed by complainant I must conclude that the revenue from this tonnage is but slightly in excess of the actual cost of handling the traffic and provides no return upon the invested capital.

Exhibit No. 12 of the defendant Pacific Electric shows that the gross revenue per ton mile for all traffic in the month of January, 1921, was .0674 cents and for the month of December, 1924, .0365 cents, while the average for the year 1924 was .0352 cents. This would seem to indicate that following the great increase in the rock, sand and gravel tonnage as shown by the record, the gross revenue per ton mile has continually decreased.

The record is clear that the financial condition of the Pacific Electric, the defendant carrying the greatest amount of this tonnage, is in far from a satisfactory condition. During the calendar year 1924 the total revenue received was $21,021,646, while the total expenses, including depreciation, taxes, interest on funded debt, etc., was $21,613,831.41, showing a corporate deficit for that year of $592,185.41. The total cor-

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porate deficit of this defendant as of December 31, 1924, was $14,055,586.27.

The vice president of the Pacific Electric testified that the operating expenses for 1924 were below normal, due to the fact that maintenance and improvement expenses during the year were considerably curtailed, beginning about the first of April, when it was apparent the revenue would be less than the expenses, and that had the maintenance work been up to normal the deficit would have been greater. Furthermore, he testified that had the northern California scale been in effect during 1924 the operating revenues of the Pacific Electric for that year would have been depleted by $177,397.37.

The northern California scale as published in Southern Pacific Tariff 330-F, C. R. C. 3112, and Santa Fe Tariff 9788-I, C. R. C. 535, applies on the Southern Pacific in the territory north of Santa Margarita and Caliente, and on the Santa Fe in the territory north of Bakersfield. The crushed rock, sand and gravel rates under this scale are on the same basis. However, as in the case of the commercial scale in southern California, there are certain exceptions to its general application to meet the varying competitive conditions. The rate under this scale for distances of 40 miles or under is 50 cents and is increased 10 cents for the next two succeeding blocks of 10 miles; then the progression is in blocks of 20 miles, 10 cents being added for each additional block until the maximum distance of 500 miles is reached.

Complainant urges that the northern California scale is reasonable, *per se*, and that the operating conditions, cost of service and the volume and density of traffic prevailing in the south are comparable with those prevailing in the north, hence it contends there is no justification for maintaining rates higher in southern than in northern California.

Defendants, on the other hand, maintain that the northern California scale was and is predicated upon water competition and that this water competition was brought about by the operation of boats and barges on San Francisco, San Pablo and Suisun bays and on the Sacramento, Yuba and San Joaquin rivers and other streams as far north as Red Bluff in the Sacramento Valley and as far south as Herndon in the San Joaquin Valley. This competition, it is alleged, was active as far back as 1897, and although it is not now so keen as then, the influence of the water-borne tonnage still governs the northern California rate adjustments on crushed rock, sand and gravel to a very large extent.

The record shows that at the time the rail carriers first felt the effects of this water competition they endeavored only to establish low rates at points where the competition was active and where it was necessary to go below the normal rates in order to secure to the rail carriers a portion of the water-borne traffic. But as additional plants were opened up at inland points the carriers were forced to establish

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rates whereby producers at those points could reach the consuming markets in competition with shippers enjoying the water-influenced rates. Following the San Francisco fire and earthquake of 1906 an abnormal demand was created for building materials. This condition resulted in the development of many sand and gravel deposits, and in order to permit shippers at the new points to compete for San Francisco business rates were established comparable with the water-compelled rates. Thus the low basis of rates originally intended to apply only between points where there was actual water competition gradually extended to the inland points not served by water until the rates were practically uniform in northern California. Defendants contend that the entire northern California scale reflects either water or market competition and is manifestly less than reasonable, *per se*.

Both the complainant and defendants presented exhibits showing comparisons of the rates on various commodities between points in southern and northern California for equal distance hauls, including such commodities as cement, lumber, fuel oil, beans, sugar beets, fruits, etc. In addition, defendants introduced an exhibit showing the distance rates of many states in the middle west and east, and these scales for the most part show that rates on crushed rock, sand and gravel are higher than those now in effect in southern California.

All of these exhibits have been given careful consideration and it may be said of them generally that their proponents neglected to study the circumstances and conditions under which such rates were established. The record shows that there are rates in effect in southern California higher than the rates established on the same commodities for comparable distances in northern California and conversely the opposite is shown. These exhibits are interesting and instructive, but under the law as frequently interpreted by the Commission they are not calculated to persuade me to conclude that the rates herein under attack should be altered.

The record is replete with evidence relating to acute competition with southern California railroads created by motor trucks, and by boats in a lesser degree, in conveying crushed rock, sand and gravel to consuming centers. That this competition exists, particularly in the short haul traffic by motor truck, and from Santa Catalina Island through the ports of Long Beach and San Pedro via barge, it seems to me is clearly established. One estimate was that the truck tonnage totaled about 7250 tons and the water-borne tonnage 750 tons a day.

In this connection it is one of complainant's contentions that if the crushed rock, sand and gravel rates in southern California were reduced to the level of the so-called municipal rates, or to the northern California scale, a great deal of the tonnage now handled by motor trucks would be attracted to the rails of the carriers, resulting in an

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increase in their gross revenues without very materially increasing their fixed charges. With reference to this argument it may be said that if the assailed rates were reduced to a basis comparable with those in effect for motor truck hauls, it would perhaps follow that the rail carriers would secure a portion of that business, provided, of course, the motor trucks did not make lower rates; but this is not a lawful reason for granting the petition of the complainant. It is within the power of the carriers to meet competition and to initiate rates lower than this Commission could justly prescribe as reasonable, and such rates would be lawful so long as they provided sufficient revenue to cover out-of-pocket costs and did not burden other traffic. The Commission is empowered by law to establish reasonable rates. Such rates must allow for actual costs of service and compensation for the capital invested in rendering that service. When rates are attacked it is our duty to see that they are not so high as to be oppressive upon the shipper. Between such rates and rates that cover something more than out-of-pocket costs there is a zone which should be free from judicial interference. The carriers have complete control over rates which fall within this zone, and it seems to me that the rates here attacked clearly come within such a zone. (*City of Detroit* vs. *Michigan Railroad Commission*, 209 Mich. 395.)

Complainant's allegation of undue discrimination and preference is founded upon the premise that there are lower rates on crushed rock, sand and gravel in northern California than in southern California; but there is no showing in this record that the crushed rock, sand and gravel producers in northern California are in commercial competition with the producers in southern California. Mere differences in the rates on these commodities, such as exist between the two districts referred to, do not authorize the Commission to condemn one schedule as unlawful when the record fails to show that the adjustment is a source of disadvantage to one party and of advantage to the other. In this situation there is no competition between the localities, the persons or the commodities. It is urged that the rates in southern California have retarded industrial development, but the record does not contain any proof of that allegation. As a matter of fact, the exhibits introduced show that during the past five years building activities in the Los Angeles territory have more than doubled.

There is no evidence, in my opinion, therefore, that complainant has been subjected in any manner to unlawful discrimination, or that complainant's competitors in northern California have been unduly preferred by reason of the existing rates in that territory which, as has been heretofore pointed out, have been established to meet water competition.

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This, I think, covers all the points made by complainant, and after carefully considering the exhibits, testimony and briefs, I am of the opinion and so find that the crushed rock, sand and gravel rates involved in this complaint have not been shown to be either excessive or unreasonable or that unlawful discrimination or prejudice exists.

I recommend that the complaint be dismissed.

ORDER.

This case being at issue upon complaint, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the complaint in this proceeding be and the same is hereby dismissed.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this eleventh day of December, 1925.

DECISION No. 15746.

IN THE MATTER OF THE INVESTIGATION ON THE COMMISSION'S OWN MOTION INTO THE REASONABLENESS OF THE RATES, CHARGES, PRACTICES, CONTRACTS, RULES, REGULATIONS, SCHEDULES AND CONDITIONS OF SERVICE, OR ANY OF THEM, OF PETERS-RHOADES COMPANY, A CORPORATION, OPERATING A PUBLIC UTILITY WATER SYSTEM IN THAT PORTION OF LOS ANGELES COUNTY MORE PARTICULARLY KNOWN AS "EL MERRIE DELL."

Case No. 2166.

Decided December 11, 1925.

RATES—SERVICE—WATER UTILITY—DOMESTIC SERVICE PARAMOUNT.—Domestic service must take precedence over all other water use, and where the supply is inadequate to care for domestic service and demands for the operation of a swimming tank, the latter must be abandoned until such time as a proper supply may be obtained.

ILLEGAL CHARGES.—The utility is directed to refund to consumers amounts collected for service prior to July 1, 1925, when first notice was given consumers that the utility intended to charge for water service, hitherto rendered free of charge.

D. L. Peters, for Respondent, Peters-Rhoades Company.
F. A. Waters, for J. E. Banks et al., Consumers.

BY THE COMMISSION.

OPINION.

This is an investigation on the Commission's own motion into the reasonableness of the rates, charges, practices, contracts, rules, regula-

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tions, schedules and conditions of service, or any of them, of Peters-Rhoades Company, a corporation engaged in the business of supplying water for domestic purposes to residents of that tract of land in Los Angeles County known more particularly as El Merrie Dell.

This water system was installed to aid in the sale of lots in El Merrie Dell tract. On the sixteenth day of August, 1924, the Commission in Decision No. 13925 granted Peters-Rhoades Company, a corporation, a certificate of public convenience and necessity to operate the water system serving this property.

A public hearing in this matter was held before Examiner Williams in Los Angeles, after due notice thereof had been given so that all interested parties might appear and be heard.

A number of informal complaints have recently been filed with the Commission by the consumers against the practices of this company. Several attempts were made by representatives of the Commission to obtain reasonable adjustments of the difficulties by informal negotiations. However, as this utility refused to comply with the suggestions of the Commission it was necessary that this case be instituted by the Commission upon its own motion to investigate the affairs of this water company and obtain the necessary cooperation and compliance with its reasonable instructions.

The Commission in its Decision No. 13925 granted the Peters-Rhoades Company the following schedule of rates effective in September, 1924:

Monthly Flat Rates.

For residence ..... $2 00 per month when occupied.

All other service to be charged for at the following monthly meter rates:

Monthly Meter Rates.

Monthly minimum charges—

For ⅝ x ¾-inch meter	$1 50
For ¾-inch meter	2 50
For 1-inch meter	4 00
For 1½-inch meter	7 00
For 2-inch meter	12 00

Each of the foregoing "monthly minimum charges" will entitle the consumer to the quantity of water which that monthly minimum charge will purchase at the following "monthly meter rates:"

Monthly meter rates—

From 0 to 500 cubic feet, per 100 cubic feet	$0 30
From 500 to 3,000 cubic feet, per 100 cubic feet	25
Over 3,000 cubic feet, per 100 cubic feet	20

It appears from the evidence that the Peters-Rhoades Company subdivided the tract known as El Merrie Dell, and to aid the sale of lots installed a water system and supplied water for some time free of charge. Apparently the consumers did not know that a schedule of water rates had been established by the Commission until July, 1925.

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when the Peters-Rhoades Company presented each consumer with a bill for water service covering a six months' period from January 1 to July 1, 1925, based on a flat rate charge of $1.50 per month.

The schedule of rates of this utility provides for a monthly flat rate of $2, and the rules and regulations accepted for filing by the Commission provide for the collection of this rate on a monthly basis. They further provide for the signing of an application for service and establishment of credit before service is rendered to a consumer. This was not done, and the consumers who had received free water for some time were not given an opportunity to say whether or not they desired water service under the rates established by the Commission.

Where the rates and rules of a water utility are based upon monthly payments for service, it is the duty of such a utility to render each consumer a monthly bill. Where the system operates a flat rate schedule this bill should be rendered not later than the first day of any billing period. Obviously in the case of metered rates this can not be done until after the meter has been read. In cases where the rates are payable monthly as distinguished from annually, the Commission in fairness can not permit the consumers to be charged for services rendered at various times in the past prior to the time such consumers received notice of the intention of the utility to charge for water service which for the purpose of promoting real estate sales had heretofore been furnished free. Such notice was first given the consumers on this system on or about July 1, 1925. Therefore this company may not charge for any service rendered prior to July 1, 1925, but may charge its consumers for all service rendered on and after this date according to its legal rates, which in the case of metered service is at a monthly minimum of $1.50, and for flat rate service $2 and not $1.50 as actually charged in the bills rendered for flat rate service. All moneys if any collected from the consumers prior to July 1, 1925, shall be refunded to those entitled thereto, either by cash or by credit upon the water bills for service rendered subsequent to the above date.

In general the testimony indicated that the service rendered by this utility has been very poor and intermittent. Apparently more consideration has been given to providing water for the swimming pool located upon the tract than in taking proper care of the sanitary and domestic requirements and convenience of the public. This utility should understand that the domestic service to the consumers must take precedence over all other water use, and where the water supply is inadequate to take care of this domestic service and the demands for such use as may be required for the operation of a swimming tank, the latter must be abandoned until such time as a proper supply may be obtained. In case of further complaint from this source in the future it may be necessary for the Commission to order the discontinuance of

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service to this swimming pool, which, however, it hopes may be unnecessary.

This company should take steps to improve the storage and water supply facilities of its system at an early date in order that the inadequate service conditions existing during the past summer months may not again occur next season.

ORDER.

The Railroad Commission of the State of California having instituted an investigation on its own motion into the reasonableness of the rates, charges, practices, contracts, rules, regulations, schedules and conditions of service, or any of them, of Peters-Rhoades Company, a public hearing having been held thereon and the Commission being fully advised in the matter;

It is hereby ordered, that,

1. Peters-Rhoades Company, a corporation, be and it is hereby directed to refund to each and every consumer all amounts, if any, collected from any such consumer for water service rendered prior to July 1, 1925.

2. All refunds directed to be made herein shall be made commencing with water bills for metered service rendered for the month of December, 1925, and flat rate service for the month of January, 1926, and upon the basis of a credit to the extent of the total amount of the monthly water bills of such consumers entitled thereto, continuing thereafter until the full amount of the refunds shall have been made: provided, however, that no refund shall exceed the total amount of the refund to which any particular consumer is entitled; and provided, further, that in cases where consumers who are entitled to refunds are no longer consumers of the Peters-Rhoades Company, the full amount of such refunds shall be paid to such consumers in cash within thirty (30) days from and after the date of this order.

3. Within thirty (30) days from the date of this order Peters-Rhoades Company shall file with this Commission a complete list setting forth the names and addresses of all consumers entitled to refunds under the terms of this order, and the amounts of such refunds due. Thereafter said company shall submit to this Commission a monthly statement showing the amounts refunded to each of the consumers entitled thereto until such time as all refunds shall have been completed.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this eleventh day of December, 1925.

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DECISION NO. 15747.

IN THE MATTER OF THE APPLICATION OF SANTA MONICA BAY TELEPHONE COMPANY AND SOUTHERN CALIFORNIA TELEPHONE COMPANY FOR AN ORDER AUTHORIZING THE FORMER TO WITHDRAW FROM AND THE LATTER TO RENDER TELEPHONE SERVICE IN A CERTAIN AREA NOW BEING SERVED BY THE SANTA MONICA BAY TELEPHONE COMPANY.

Application No. 11773.

Decided December 11, 1925.

SERVICE—TELEPHONE UTILITY—TO ABANDON.—Santa Monica Bay Telephone Company authorized to withdraw from a small area west of Culver City, Los Angeles County, and Southern California Telephone Company authorized to furnish service within that area from its Culver City exchange.

BY THE COMMISSION.

OPINION.

On October 3, 1925, the Santa Monica Bay Telephone Company and the Southern California Telephone Company filed a joint application in which the former requests authority to abandon all public utility operation within a certain small section of territory located to the west of Culver City, and the latter company authority to include this territory within its Culver City exchange area and to furnish within that area telephone and telegraph service from its Culver City exchange.

Applicants state that the boundary line dividing the Culver City and Santa Monica exchange areas has been found to be unsatisfactory to the majority of residents living in that section and that all of the present subscribers now receiving Santa Monica service desire to discontinue that service and to take Culver City service. Applicants submitted a petition signed by all the Santa Monica subscribers located within the area involved, indicating their willingness to discontinue Santa Monica exchange telephone service and their desire to receive Culver City exchange telephone service.

The territory which the Santa Monica Company desires to abandon and the Southern California Company to serve is shown in Exhibit "A" attached hereto.

There appears to be no reason why applicants' request should not be granted and it also appears that this is a matter in which a public hearing is not necessary. Accordingly, the order following will authorize the Santa Monica Company to abandon all public utility operation within the area herein involved and as shown in Exhibit "A" attached hereto, and also will authorize the Southern California Company to furnish adequate telephone and telegraph service within this territory.

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ORDER.

The Santa Monica Bay Telephone Company and the Southern California Telephone Company having filed an application with this Commission, the former requesting authority to abandon all public utility operation within a certain territory as shown in Exhibit "A" attached hereto, and the latter authority to include this territory within its Culver City exchange area and to furnish within said territory telephone and telegraph service from its Culver City exchange, and applicants' request appearing reasonable and it further appearing that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Santa Monica Bay Telephone Company shall:

(1) Abandon all public utility operation in that territory described as shown in Exhibit "A" attached hereto on or before January 31, 1926.

(2) Refile with this Commission on or before December 31, 1925, a map of its Santa Monica Exchange area excluding that territory as shown in Exhibit "A" attached hereto.

It is hereby further ordered, that Southern California Telephone Company shall:

(1) Accept on or after January 1, 1926, applications for Culver City exchange telephone service to be furnished not later than February 1, 1926, in that area as shown in Exhibit "A" attached hereto.

(2) Furnish not later than February 1, 1926, Culver City exchange telephone service and telegraph service in that territory as shown in Exhibit "A" attached hereto, under rates, rules and regulations now in effect in the Culver City exchange area.

(3) File with this Commission on or before December 31, 1925, a revised map of its Culver City exchange area to include that territory as shown in Exhibit "A" attached hereto.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this eleventh day of December, 1925.

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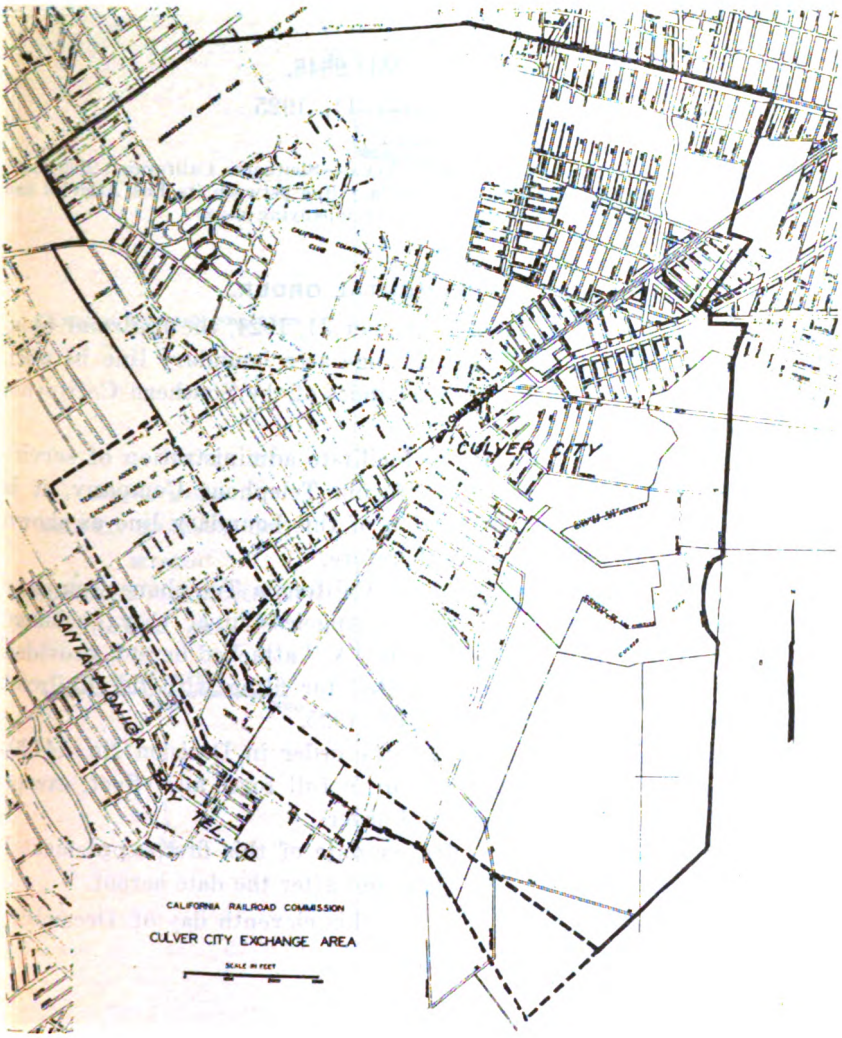
EXHIBIT "A."



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Decision No. 15750.

IN THE MATTER OF THE APPLICATION OF SOUTHERN CALIFORNIA TELEPHONE COMPANY FOR AN ORDER AUTHORIZING EXCHANGE AREAS IN THE TERRITORY SERVED; AUTHORIZING THE INTRODUCTION OF MEASURED SERVICE, AND AUTHORIZING JUST AND REASONABLE RATES, TOGETHER WITH RULES AND REGULATIONS APPERTAINING THERETO FOR THE TERRITORY SERVED.

Application No. 9648.

Decided December 11, 1925.

RATES—TELEPHONE UTILITY—EXCHANGE AREA.—Southern California Telephone Company authorized to revise the boundary line between its Los Angeles and Culver City exchanges as indicated on accompanying map.

BY THE COMMISSION.

FIRST SUPPLEMENTAL ORDER.

By Decision No. 14420, dated December 31, 1924, the Railroad Commission fixed the location of the exchange area boundary line between the Los Angeles and Culver City exchanges of the Southern California Telephone Company.

It now appears that, in order to facilitate administration of service requirements by the Southern California Telephone Company, it is advisable to relocate a certain portion of this boundary line as shown in Exhibit "A" attached hereto; therefore,

It is hereby ordered, that Southern California Telephone Company shall relocate that portion of its Los Angeles-Culver City exchange area boundary line as shown in Exhibit "A," attached hereto, provided a map showing this change is submitted for filing with the Railroad Commission on or before December 31, 1925.

It is hereby further ordered, that the order in Decision No. 14420, dated December 31, 1925, shall remain in full force and effect, except as modified by this first supplemental order.

For all other purposes, the effective date of this first supplemental order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this eleventh day of December, 1925.

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EXHIBIT "A."

CALIFORNIA RAILROAD COMMISSION

DRAWING SHOWING
MODIFIED BOUNDARY LINE
BETWEEN
LOS ANGELES AND CULVER CITY
EXCHANGE AREAS

SCALE IN FEET
0 1000 2000

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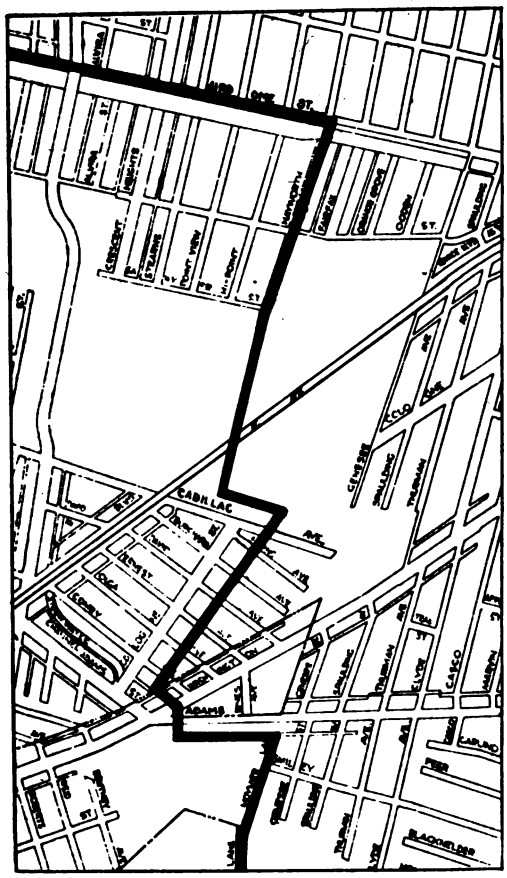

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Decision No. 15755.

IN THE MATTER OF THE APPLICATION OF PICKWICK STAGES, NORTHERN DIVISION, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXTEND AND OPERATE ITS AUTOMOBILE STAGE SERVICE AS A COMMON CARRIER OF PASSENGERS AND EXPRESS MATTER BETWEEN LOST HILLS AND COALINGA AND BETWEEN LEMOORE AND KETTERMAN HILLS, CALIFORNIA, BY EXTENDING ITS PRESENT SERVICE BETWEEN TAFT AND LOST HILLS ON NORTHWARD TO COALINGA; AND ALSO TO REROUTE A PORTION OF ITS PRESENT SERVICE BETWEEN FRESNO AND LOS BANOS BY WAY OF MADERA AND CALIFA GIVING CERTAIN INTERMEDIATE SERVICE.

Application No. 10693.

Decided December 16, 1925.

CERTIFICATE—AUTO STAGES—EXTENSION OF SERVICE.—Certificate granted for extension of service on applicant's Taft-Lost Hills line to include Lost Hills and Coalinga and Lost Hills and Lemoore. Application to operate through service between Fresno and San Francisco, by way of Pacheco pass, denied.

Warren E. Libby, for Applicant.
Earl A. Bagby, for Ben J. Byles, Valley Transit Company, California Transit Company, and Motor Transit Company, Protestants.
H. W. Hobbs, for Southern Pacific Company, Protestant.

BY THE COMMISSION.

OPINION.

Pickwick Stages, a corporation, has petitioned the Railroad Commission, in accordance with its amended application, for an order declaring that public convenience and necessity require the operation by it of an automobile stage line as a common carrier of passengers and express matter between Lost Hills and Coalinga and intermediate points, and between Lost Hills and Lemoore, and also for authority to reroute a portion of its present service between Fresno and Los Banos by way of Madera, Califa and Chowchilla. Applicant does not propose to do any local or intermediate business between Fresno and Los Banos by way of Madera and Chowchilla and intermediate points, but desires to pick up within that territory for points west or north of Chowchilla on the lines of applicant and to discharge within that territory from points west or north of Chowchilla on the lines of applicant. Applicant desires to operate its proposed service between Lost Hills and Coalinga and Lost Hills and Lemoore as a part of its present service between Taft and Lost Hills and in conjunction with its present operation between Bakersfield and Paso Robles as a part of one system and it desires to operate its proposed service by way of Madera and Chowchilla in connection with its present operations between Fresno and Santa Cruz and to connect up the same and operate it as a portion of one system by consolidating its present lines between Fresno and Santa

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Cruz and between Los Banos and Gilroy and between Gilroy and San Francisco and intermediate points and by operating the same in conjunction with and as a part of its entire system.

Public hearings on this application were conducted by Examiner Satterwhite at Fresno and Madera, the matter was submitted and is now ready for decision.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits "B" and "C" attached to said amended application. The equipment to be operated in the proposed service is the standard equipment now used by applicant on its existing lines consisting of 8-, 11-, 14- and 28-passenger Pierce-Arrow, Packard and Cadillac automobiles now owned by applicant.

The Southern Pacific Company, California Transit Company, Valley Transit Company, Ben J. Byles and R. C. Dear appeared in opposition to the granting of said application. R. C. Dear, of Dear Stage Lines, however, withdrew as protestant by reason of a stipulation having been made by said applicant that its proposed service would not interfere with the service of said Dear.

Applicant is the owner and operator of an automobile stage business and operative rights between Los Angeles and San Francisco; between Bakersfield and Paso Robles and Taft and Lost Hills; between Fresno and Santa Cruz; between Los Banos and Gilroy; between Fresno and Coalinga, and between Los Angeles and Santa Barbara.

At the present time there is no authorized automobile stage and express service between Lost Hills and Coalinga or Lost Hills and Lemoore. In support of this proposed service, applicant called a considerable number of witnesses, consisting of business men, oil field operators and oil field laborers. The testimony shows that all the territory between Taft and Coalinga and Lemoore is an extensive oil field and that active operations are being carried on for the production of oil. Nearly all of the oil companies operating in this territory have their headquarters and base of supplies at Taft. Coalinga is also a buying and business center for the oil industry in the fields in this section. The record shows that there is considerable travel back and forth, not only by the oil field operators, but by the oil field laborers, between Taft and Coalinga and intermediate points. It appears also that there are at least a dozen ranchers in this territory between Coalinga and Lost Hills who use either Coalinga or Taft as a purchasing center. Applicant offered evidence also to the effect that there is considerable shipping of small parts of oil field machinery and oil field supplies between Taft and Coalinga and way points proposed to be served.

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We are of the opinion that the public convenience and necessity require the proposed operation by applicant between Lost Hills and Coalinga and Lemoore as an extension of its present service between Taft and Lost Hills and the order herein will so provide.

Applicant desires the unification of this proposed extension with its other operative rights in this territory on the basis that such a connected service would attract and develop a through business from San Joaquin Valley points to coast points, both north and south, and requests its authorization primarily on that ground. Applicant, however, offered but scant evidence to justify this consolidation of its proposed extended service between Coalinga and Lemoore and Lost Hills with its operative rights between Bakersfield and Paso Robles or between other points on its system.

The record shows that the passenger traffic that moves from Lemoore and Coalinga to Paso Robles is rather limited and is carried now very satisfactorily by Ben J. Byles, protestant, direct from Coalinga to Paso Robles. Byles testified that he carries daily in each direction an average of only two or three passengers and that the majority of these who are bound to Paso Robles and points beyond come from Lemoore and points east thereof. It appears that the distance over the Byles line is only 60 miles from Coalinga to Paso Robles, while it is 101 miles from Coalinga to Paso Robles over applicant's proposed route. There is no evidence in the record to show any public demand for a through route between Fresno and Bakersfield over applicant's proposed line by way of Lemoore and Lost Hills, except the belief of applicant that if a through service were permitted passenger traffic would be developed through to coast points.

Applicant called several witnesses in support of its proposed rerouting between Fresno and Los Banos by way of Madera and Chowchilla. Applicant does not propose to abandon its present route by way of Mendota, Firebaugh and Dos Palos so that its application, in effect, is for a new certificate of public convenience and necessity over this new route to Santa Cruz and other points. The evidence in support of this rerouting is to the effect that many residents in the towns of Madera and Chowchilla and intermediate points desire a more direct route to Santa Cruz. The route by way of Madera and Chowchilla is a little shorter than by way of Mendota and the road conditions are somewhat better. It appears that during about three months in the summer season there is considerable travel from Madera, Chowchilla and way points to Santa Cruz and adjacent territory. The travel during the rest of the year is light and the record shows that last winter's travel across to coast points had increased but slightly over that of former years. The Fresno County Chamber of Commerce and the Chamber of Commerce

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of Chowchilla have endorsed this proposed rerouting on the basis that the additional service would be a convenient service to the people in this section who spend their vacation at Santa Cruz. The evidence, however, of the protesting stage lines throughout this territory shows that they are now rendering very satisfactory service. We are of the opinion, after a careful consideration of the evidence, that the public necessity and convenience do not require the rerouting by way of Madera and Chowchilla as proposed by applicant.

Applicant desires the consolidation of its service between Fresno and Santa Cruz with its route between Los Banos and Gilroy. The record shows that the people of Fresno and Los Banos, including the intermediate towns of Mendota and Firebaugh and other points, desire a through service to Santa Cruz and other neighboring coast points. It also appears from the testimony of E. J. Thompson, manager of the Fresno division of applicant, that the linking up of these two routes will result in greater economy of operation and give more convenient and satisfactory service to the public. This witness testified that the linking up of these two routes would do away with one man including the car he drives a distance of 40 miles in a day from Bell Station to Gilroy; and Fresno passengers can get through to points on the coast with only one change as against two. We are of the opinion that the consolidation of these two routes should be authorized and the order herein will so provide.

Applicant has asked for authority to operate a through service between Fresno and San Francisco and intermediate points and relies principally upon the testimony of Mr. Guy E. Leonard, secretary of the Fresno County Chamber of Commerce. This witness is a member of the road committee of the Fresno County Chamber of Commerce, which committee recommended and endorsed a through service between Fresno and San Francisco over the Pacheco pass. The testimony of this witness shows that he favored this through route of applicant from Fresno to San Francisco, not on a basis of any public convenience and necessity therefor, or for any lack of transportation facilities now existing, but almost wholly from the point of view that Fresno and adjacent communities would benefit by having another method of being transported directly between Fresno and San Francisco. He frankly admitted that the present transportation facilities of the protesting stage lines were all that were necessary and that the present stage companies were rendering a satisfactory and adequate service. He based his recommendations for the Pacheco pass route upon the ground that more passenger traffic could be developed in and out of Fresno, that tourist travel by stage might be developed over the Pacheco pass, and that such additional route will attract this tourist travel to their

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mountain resorts. This witness first testified that the Pacheco pass route from Fresno to San Francisco might be favored because it was a cooler and a shorter route and more scenic, but finally admitted, on cross-examination, that it was neither cooler nor shorter, either in mileage or time consumed. The record also contains testimony from other citizens residing in the territory between Fresno and Chowchilla that while they desired a through route to Santa Cruz, there was no necessity for an additional through route to San Francisco for the reason that the protesting stage lines were rendering a very good and adequate service over the valley route.

California Transit Company, Valley Transit Company and Motor Transit Company, protesting stage companies, offered in evidence their respective rate and time schedules showing their service covering the territory proposed to be served by applicant in its amended application. The California Transit Company, Valley Transit Company and the Motor Transit Company also offered in evidence their respective exhibits containing a travel study for the months of June and September, 1924, and for January, 1925, showing seats furnished, passengers carried and vacant seats over their respective authorized routes, in connection with their local and through service through the San Joaquin Valley, between Los Angeles and Bakersfield; between Bakersfield and Fresno, and between Fresno and San Francisco. An examination of these exhibits indicates that the seating capacity of their stages is far in excess of passengers carried.

After careful consideration of all the evidence in this proceeding, we are of the opinion and hereby find as a fact that public convenience and necessity require the proposed service of applicant between Lost Hills and Coalinga and Lost Hills and Lemoore as an extension of its present service between Taft and Lost Hills, but we are of the opinion and hereby find as a fact that public convenience and necessity do not require the proposed rerouting of a portion of its present service between Santa Cruz and Fresno by way of Madera, Califa and Chowchilla; also we are of the opinion and hereby find as a fact that the public convenience and necessity do not require applicant's proposed through service between Fresno and San Francisco by way of Pacheco pass. The application should be granted with the limitations hereinabove indicated in this opinion.

ORDER.

Public hearings having been held in the above entitled application, the matter having been submitted and being now ready for decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by Pick-

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wick stages, Northern Division, a corporation, of the automobile stage service as a common carrier of passengers and express matter between Lost Hills and Coalinga and intermediate points, and between Lost Hills and Lemoore, serving Ketterman Hills and intermediate points in conjunction with and as a part of its present service between Taft and Lost Hills; provided, however, that the foregoing service shall not be linked up with or consolidated with its present service between Bakersfield and Paso Robles or any other part of applicant's transportation system.

It is hereby ordered, that a certificate of public convenience and necessity be granted to applicant for the foregoing service, not as a separate service, but as supplemental and in addition to applicant's service only between Taft and Lost Hills and upon the conditions hereinafter set forth.

The Railroad Commission hereby declares that public convenience and necessity do not require the operation by Pickwick Stages, Northern Division, of an automobile stage service as a common carrier of passengers, between Fresno and Los Banos via Madera, Califa and Chowchilla as a part of and in conjunction with its present service between Fresno and Santa Cruz and between Los Banos and Gilroy, but do require the consolidation of its service between Fresno and Santa Cruz with its service between Los Banos and Gilroy.

It is hereby ordered, that a certificate of public convenience and necessity be granted to applicant for the foregoing consolidated service, as supplemental and in addition to applicant's present service between Fresno and Santa Cruz and between Los Banos and Gilroy and upon the following conditions:

1. Applicant shall file its written acceptance of the certificates hereinabove granted within a period of not to exceed ten (10) days from date hereof; and shall file, in duplicate, tariff of rates, fares, rules and regulations and time schedules within a period of not to exceed twenty (20) days from date hereof; such tariff of rates and fares, rules and regulations and time schedules shall not be identical with those attached to the application herein, but such tariff of rates and fares, rules and regulations and time schedules shall be in conformity with and in consonance with the said certificates of service hereinabove authorized; and shall commence operation of the service herein authorized within a period of not to exceed sixty (60) days from the date hereof, unless the time for commencement of operation hereinunder is hereafter extended by supplemental order of this Commission.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written

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consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by said applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all purposes, other than hereinabove stated, the effective date of this order shall be twenty (20) days from the date hereof.

It is hereby further ordered, that the application for authority to operate a through service between Fresno and San Francisco and intermediate points be and the same is hereby denied.

Dated at San Francisco, California, this sixteenth day of December, 1925.

DECISION No. 15756.

IN THE MATTER OF THE APPLICATION OF WESTERN STATES GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE AND SALE OF ITS PREFERRED STOCK OF THE PAR VALUE OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS.

Application No. 11999.

Decided December 16, 1925.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Application to issue and sell $750,000 of 7 per cent cumulative preferred stock granted. Request to use proceeds from sale of preferred stock to refund sinking fund payments denied.

Chickering and Gregory, by *W. C. Fox*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application Western States Gas and Electric Company has applied to the Railroad Commission for permission to issue and sell at par 7500 shares of its 7 per cent cumulative preferred stock of the aggregate par value of $750,000.

Western States Gas and Electric Company has an authorized capital stock of $15,000,000, divided into $10,000,000 of 7 per cent cumulative preferred stock and $5,000,000 of common stock, of which amounts $5,684,100 of the preferred and $3,981,500 of the common were reported outstanding September 30, 1925. In making the present request to issue and sell an additional $750,000 of preferred stock, the company asks permission to use an amount not exceeding 6 per cent of the par value of stock sold to pay commissions and selling expenses and to use the remaining proceeds to refund sinking fund payments and to reimburse its treasury on account of capital expenditures made prior to September 30, 1925, and to finance the construction expenditures made and to be made during the last three months of 1925 and during 1926.

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Applicant in its Exhibit No. 6 reports uncapitalized construction expenditures of $28,825.76 as of September 30, 1925. It is of record that applicant's construction expenditures during October, November and December, 1925, will aggregate about $225,000. In its revised Exhibit No. 5 applicant estimates its net construction expenditures during 1926 at $1,285,150, distributed as follows:

	Stockton Division	Richmond Division	Eureka Division	Total
Electric steam plants	$1,500 00	----------	$57,100 00	$58,600 00
Electric hydro plants	53,700 00	----------	11,400 00	65,100 00
Electric transmission system	120,200 00	----------	8,300 00	128,500 00
Electric substations	50,000 00	$15,000 00	3,200 00	68,200 00
Electric distribution system	301,000 00	73,000 00	44,000 00	418,000 00
Street lighting system	40,000 00	3,000 00	5,000 00	48,000 00
Gas plant—oil gas	281,000 00	----------	2,800 00	283,800 00
Gas plant—natural gas	2,000 00	----------	----------	2,000 00
Gas transmission system	17,500 00	----------	----------	17,500 00
Gas distribution system	125,000 00	----------	34,000 00	159,000 00
Transportation equipment	10,000 00	2,500 00	4,000 00	16,500 00
Office and miscellaneous bldgs.	10,000 00	----------	----------	10,000 00
Office equipment	2,500 00	1,000 00	1,500 00	5,000 00
Miscellaneous	1,000 00	3,200 00	750 00	4,950 00
	$1,015,400 00	$97,700 00	$172,050 00	$1,285,150 00

Adding the $28,825.76, the $225,000 and the $1,285,150 makes a total of $1,538,975.76 of actual or estimated construction expenditures.

By Decision No. 14470, dated January 17, 1925, in Application No. 10708 (Vol. 25, Opinions and Orders of the Railroad Commission of California, page 865) the Commission authorized the Western States Gas and Electric Company to issue at not less than par $1,602,000 of its 7 per cent preferred stock. The orders of the Commission in Application No. 10708 permit the company to expend an amount not exceeding 6 per cent of the par value of the stock sold to pay commissions and expenses incident to the sale of the stock and use $196,428 to refund sinking fund payments. Assuming that the company sold all of the $1,602,000 stock at par and deducting from the proceeds realized an amount equal to 6 per cent of the stock sold, to wit: $96,120 and the two sinking fund payments of $196,428, or a total of $292,548, leaves a balance of $1,309,452 available for construction purposes. Applicant in its Exhibit No. 6 in arriving at its uncapitalized construction expenditures deducted from construction expenditures, therein reported $767,928 as representing preferred stock proceeds withdrawn under Application No. 10708. Subtracting the $767,928 from the $1,309,452 leaves $541,524 available from the sale of the $1,602,000 of stock to finance construction expenditures subsequent to September 30, 1925. In the application now before the Commission the company asks permission, as stated, to issue $750,000 of stock and pay not exceeding an amount equal to 6 per cent of the stock sold to pay commissions and

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expenses incident to the sale of such stock. The remainder of the proceeds applicant asks permission to use to reimburse its treasury, finance in part the construction expenditures referred to herein and to refund in part sinking fund payments under its first and refunding, now first mortgage.

It is of record that on December 1, 1925, the company had to make a sinking fund payment of $134,951.25 and that on June 1, 1926, a payment of a like amount will be due. The refunding of the sinking fund payments through the issue of preferred stock will not be allowed at this time. The sinking fund payments, until such time as the company's net earnings are substantially in excess of its preferred stock dividends, should be refunded in a manner which will not jeopardize the dividends or the equity of the company's preferred stockholders.

ORDER.

Western States Gas and Electric Company having applied to the Railroad Commission for permission to issue and sell $750,000 of its 7 per cent cumulative preferred stock, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the application should be granted only as herein provided, and that the money, property or labor to be procured or paid for through such issue and sale is reasonably required for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Western States Gas and Electric Company be and it is hereby authorized to issue and sell, on or before December 31, 1926, at not less than par, $750,000 of its 7 per cent cumulative preferred stock.

The authority herein granted is subject to the following conditions:

(1) Of the proceeds realized from the sale of the stock herein authorized applicant may use, if necessary, an amount not exceeding 6 per cent of the par value of stock sold to pay commissions and other expenses incident to the sale. The remaining proceeds, and such portion of the 6 per cent not needed for commissions and other expenses incident to the sale of stock, shall be used to finance in part the cost of the extensions, additions and betterments to which reference is made in the foregoing opinion, or to reimburse the company's treasury to the extent that income has been used to finance said expenditures or for such other purposes as the Commission may authorize in subsequent orders.

(2) Only such expenditures as are properly chargeable to capital accounts, as such accounts are defined by the uniform classification of

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accounts prescribed or adopted by the Railroad Commission, may be financed with the proceeds from the sale of the stock herein authorized to be issued.

(3) Western States Gas and Electric Company shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

(4) The authority herein granted will become effective upon the date hereof.

It is hereby further ordered, that the request of Western States Gas and Electric Company to use proceeds obtained from the sale of preferred stock to refund sinking fund payments be and the same is hereby denied without prejudice.

Dated at San Francisco, California, this sixteenth day of December, 1925.

DECISION NO. 15758.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING APPLICANT TO REIMBURSE ITS TREASURY FOR CAPITAL EXPENDITURES AND TO FINANCE THE CONSTRUCTION OF ADDITIONS, EXTENSIONS, BETTERMENTS AND IMPROVEMENTS, IN THE MANNER SET FORTH HEREIN.

Application No. 12192.

Decided December 16, 1925.

STOCK—TO ISSUE AND SELL.—Application to reimburse treasury, granted.

C. P. Cutten, for Applicant.

BY THE COMMISSION.

OPINION.

Pacific Gas and Electric Company has applied to the Railroad Commission for permission to use proceeds to be received from the sale of preferred and common stock heretofore authorized to be issued to reimburse its treasury and to finance the cost of constructing additions, betterments, extensions and improvements to its facilities and to those of Mt. Shasta Power Corporation.

In Application No. 10682 filed December 16, 1924, the company reported unreimbursed capital expenditures of the two companies as of September 30, 1924, of $9,641,985.52. It now reports, in this application, that during the period from October 1, 1924, to September 30,

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1925, there was expended for the construction, completion, extension and improvement of its facilities the sum of $18,567,141.68 and for like purposes for Mt. Shasta Power Corporation the sum of $8,893,032.49 and for the purchase of 18 49/72 shares of the capital stock of Northern California Power Company Consolidated the sum of $635.16. The four items aggregate $37,102,794.85.

During the same period it appears that the company received from the sale of preferred and common stock and bonds, which the Commission has heretofore authorized to be issued, the sum of $26,988,464.59 and that this sum was used to finance in part the expenditures of $37,102,794.85, leaving a balance of unreimbursed capital expenditures on September 30th of $10,114,330.26.

The company now seeks permission to use stock proceeds to reimburse its treasury in part on account of these unreimbursed expenditures of $10,114,330.26 and to finance in part the unexpended balance of capital expenditures authorized at September 30, 1925, and the estimated cost of new construction during 1926, as follows:

Unreimbursed capital expenditures at September 30, 1925, of Pacific Gas and Electric Company and Mt. Shasta Power Corporation (Exhibit B)	$10,114,330 26
Unexpended balance of capital expenditures authorized at September 30, 1925—Pacific Gas and Electric Company (Exhibit C)	8,343,091 11
Estimated cost of new construction arising out of development of the business of Pacific Gas and Electric Company and the addition of new consumers during the remainder of the year 1925 and the calendar year 1926 (Exhibit D)	6,000,000 00
Unexpended balance of capital expenditures authorized at September 30, 1925—Mt. Shasta Power Corporation (Exhibit E)	2,419,504 37
Total	$26,875,925 74

To meet these expenditures in part the company asks permission to use amounts to be received from the sale of preferred and common stock as follows:

Receivable from sale of first preferred stock sold to September 30, 1925:		
Under Application No. 6229	$2,870 00	
Under Application No. 7234	417 41	
Under Application No. 7432	1,531 50	
Under Application No. 8104	3,104 51	
Under Application No. 8550	2,835 00	
		$10,758 42
Receivable from sale of common stock sold to September 30, 1925:		
Under Application No. 10182	$24,787 80	
Under Application No. 10361	145,625 30	
Under Application No. 10855	282,933 88	
		453,346 98
Total		$464,105 40

Deducting the $464,105.40 from the $26,875,925.74 leaves a balance of $26,411,820.34, which is said to represent the excess of unreimbursed

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actual capital expenditures and construction expenditures authorized and estimated at September 30, 1925, over the amounts to be received from the sale of stock heretofore authorized to be issued.

ORDER.

Pacific Gas and Electric Company having applied to the Railroad Commission for permission to use the proceeds from the sale of the preferred and common stock heretofore authorized by the Commission to be issued, and the Railroad Commission being of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted as herein provided and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Pacific Gas and Electric Company be and it is hereby authorized to use the proceeds received or to be received from the sale of the preferred and common stock, the issue of which has been authorized by the Commission in the proceedings to which reference is made in the foregoing opinion, to reimburse its treasury and to finance in part such cost of the extensions, additions, betterments and improvements to its facilities and to those of Mt. Shasta Power Corporation, described in Exhibits B, C, D and E filed in this proceeding as is properly chargeable to fixed capital accounts under the uniform system of accounts prescribed or adopted by this Commission.

It is hereby further ordered, that the orders heretofore made in Applications Nos. 6229, 7234, 7432, 8104, 8550, 10182, 10361 and 10855, as such orders have heretofore been amended, shall remain in full force and effect except as modified by this order.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this sixteenth day of December, 1925.

DECISION No. 15762.

CITY OF GLENDALE, A MUNICIPAL CORPORATION.

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, A CORPORATION.

Case No. 2114.

Decided December 16, 1925.

RATES—TELEPHONE UTILITY—EXCHANGE AREA.—Complaint dismissed.

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Ray L. Morrow, City Attorney, and *Leslie R. Tarr*, Deputy City Attorney, for Complainant.
J. G. Marshall, for Defendant.
O. C. Emery, for Oakmont Country Club.
Charles R. Dyer, for Verdugo Hills Merchants' Association.

BY THE COMMISSION.

OPINION.

This is a proceeding in which the city of Glendale, complainant, makes a formal complaint against The Pacific Telephone and Telegraph Company, defendant. The complainant asks the Railroad Commission to require the defendant to connect all local service connections of subscribers residing in the city of Glendale to its Glendale exchange and eliminate the toll charge for those subscribers not so connected residing in Glendale calling for Glendale connections.

The complainant, in effect, asks this Commission to require that a certain portion of the city of Glendale now in the Burbank telephone exchange area be excluded from that area and included in the Glendale telephone exchange area.

A public hearing was held in this matter before Examiner Satterwhite in the city of Glendale on September 21, 1925. At this hearing complainant requested that the defendant be required to change the boundary line between its Glendale and Crescenta exchange areas to include in the Glendale telephone exchange area that portion of the city of Glendale now located in the Crescenta exchange area.

On October 2, 1925, complainant amended its original complaint to include a request for a change in the boundary between the Crescenta and Glendale exchange areas. A further hearing was held in this matter before Examiner Satterwhite in the city of Glendale on October 16, 1925, at which time and place the matter was submitted.

At the present time, a portion of the city of Glendale is located within the Burbank exchange area and also another portion is located within the Crescenta telephone exchange area. The city of Glendale states that, because this territory is a part of the city of Glendale and because the residents of the territories are citizens of the city of Glendale, such territories should be included in the Glendale telephone exchange area. Complainant further stated that those telephone subscribers located within the city of Glendale did not, because they were located in the Burbank or Crescenta telephone exchange areas, receive adequate fire and police protection from the city of Glendale.

The principle of furnishing telephone service in this state, as well as throughout the country, is based upon exchange areas within which a local service is furnished with toll service between exchanges. This scheme of rendering service has been followed because it has been

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found that it is a practical method of furnishing adequate service at the least total cost. It is in the interest of the subscribers and public to maintain the integrity of exchange areas as it allows economical construction and operation which in turn is reflected in lower rates for service. Of necessity, in following this method, boundary lines must be established between adjoining areas, and municipal or city boundaries can not, in many cases, be established as telephone exchange boundaries. To require a utility to establish, as a general rule, exchange area boundaries coinciding with city boundaries would result in uneconomical construction and operation which would have only one effect, that of increasing rates for telephone service. During the past eight years the city of Glendale has through annexation changed its boundaries on thirteen different occasions. To require the telephone company to make corresponding changes in its exchange area would be impractical and, as already stated, would result in uneconomical construction and operation, which is not in the interest of the telephone subscribers.

In connection with the request of the city of Glendale for a change in the boundary between the Crescenta and Glendale areas, the defendant stated that if this line was to be modified or changed that it should be so moved as to include within the Crescenta exchange area certain territory along Canada and Verdugo Canyon roads now in the Glendale exchange area.

The exchange boundaries of the Crescenta exchange area were established by this Commission's Decision No. 15192, dated July 17, 1925, in Application No. 11027, which decision was rendered after thorough investigation and after a public hearing. There does not appear to be any good reason why the boundaries therein fixed should at this time be modified or changed.

This Commission has realized that there may be a real demand on the part of a few subscribers for direct local service from some exchange other than that within which they are receiving local service. To meet this demand the Commission has required a foreign exchange service to be established which allows a subscriber located within any exchange area to receive direct local service from any other exchange. The conditions under which this service is furnished and the methods to be followed in determining the rates applying to this service have been clearly set forth in previous decisions of this Commission. This service is now available to any telephone subscriber in the Crescenta, Glendale or Burbank areas upon application.

Considering the evidence and testimony in this proceeding, there appears to be no good reason for granting complainant's requests.

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ORDER.

The city of Glendale having filed a complaint against The Pacific Telephone and Telegraph Company, requesting the Railroad Commission to require The Pacific Telephone and Telegraph Company to change its boundary line between its Glendale and Burbank telephone exchange areas and between its Glendale and Crescenta exchange areas, public hearings having been held, the matter having been submitted and now ready for decision and there appearing no good reason why The Pacific Telephone and Telegraph Company should be required to make any change or modification in the boundaries of its Glendale exchange area and basing its order on this finding of fact and upon other findings of fact set forth in the opinion which precedes this order;

It is hereby ordered, that the above entitled complaint be and the same is hereby dismissed.

Dated at San Francisco, California, this sixteenth day of December, 1925.

DECISION NO. 15766.

IN THE MATTER OF THE APPLICATION OF THE OXNARD HOME TELEPHONE COMPANY FOR PERMISSION TO INSTALL TELEPHONE PLANT AND TO PUBLISH, FILE AND PUT INTO EFFECT RATES FOR EXCHANGE AND INTEREXCHANGE SERVICE AT TRIUNFO, VENTURA COUNTY, CALIFORNIA.

Application No. 11884.

Decided December 16, 1925.

CERTIFICATE—TELEPHONE UTILITY—EXCHANGE RATES.—Certificate granted to Oxnard Home Telephone Company to establish a central office at Triunfo, and the boundaries and rates of such exchange established.

Ernest Irwin, for Applicant.

BY THE COMMISSION.

OPINION.

In this application, Oxnard Home Telephone Company requests authority to establish a telephone central office at Triunfo, and a separate exchange area to be served from such central office and to publish, file and make effective certain rates as set forth in exhibits attached to its application.

A public hearing was held in this matter by Examiner Satterwhite in Oxnard, California, on December 4, 1925.

The post office at Triunfo, at which point applicant proposes to establish its central office, is located within the territory now served by applicant approximately twenty-two miles east of Oxnard. Applicant now furnishes telephone switching service from its central office in Oxnard to a number of subscribers connected to the line of what is

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known as Conejo Valley Rural Telephone Company, which extends through a portion of the territory which applicant proposes to serve from Triunfo. The status of such patrons as subscribers to exchange service from the Oxnard exchange should not be disturbed while such service is retained by them.

There has been some development in the region south of Triunfo with a resulting demand for telephone service. The circuit maintained by the Conejo Valley Company is unable to carry the load which would be imposed by these additional stations and, due to the distance to Oxnard, that company, as well as the applicants for service, are unwilling to construct the additional necessary circuits to applicant's present central office.

Applicant does not, at this time, desire to establish a primary rate area for the Triunfo exchange or a full schedule of rates for telephone service, but contemplates filing a schedule of rates for farmer line service only. This will satisfy the demand in this section for the present, and other services may be offered later as the demand occurs.

No objection was made at the hearing to the establishment of a separate exchange at Triunfo and it appears that the establishment of such exchange would be in the interest of the prospective subscribers and the public.

ORDER.

Oxnard Home Telephone Company having requested the Railroad Commission for an order authorizing it to open an exchange at Triunfo, Ventura County, California, and to publish, file and place in effect certain rates for telephone service, a public hearing having been held, the matter being submitted and now ready for decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the Oxnard Home Telephone Company to establish an exchange at Triunfo, Ventura County.

Basing its order on the foregoing finding of fact and upon other findings of fact contained in the opinion preceding this order;

It is hereby ordered, that Oxnard Home Telephone Company be and it is hereby granted a certificate of public convenience and necessity to establish a telephone exchange at Triunfo, Ventura County, and to furnish telephone service in that territory as shown in Exhibit "B," attached hereto.

It is hereby further ordered, that Oxnard Home Telephone Company shall:

(1) Render and furnish exchange telephone service in the Triunfo exchange on and after February 1, 1926, under rate set forth in Exhibit "A," attached hereto.

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(2) Establish the Triunfo exchange area as set forth in Exhibit "B," attached hereto.

(3) Submit for filing with the Railroad Commission, on or before January 15, 1926, the rates as set forth in Exhibit "A," attached hereto.

(4) Submit for filing with the Railroad Commission a map showing Triunfo exchange area as set forth in Exhibit "B," attached hereto.

(5) Submit for filing with the Railroad Commission, on or before March 1, 1926, a list of all deviations from the regular filed schedules of rates as of February 15, 1926.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this sixteenth day of December, 1925.

EXHIBIT "A."

EXCHANGE RATES.

Exchange Service—Schedule No. A-6.

Farmer Line Service. Triunfo.

Service.

Applicable to farmer line service furnished in the exchange area of the Triunfo exchange.

Rate.	Rate per year per station Business service	 Residence service
Farmer line service	$18 00	$9 00

Minimum Charge.

The minimum charge is $45 per year per circuit.

Conditions.

(1) The company installs, owns and maintains, at its expense, the necessary central office equipment and service, line facilities to the office pole, one listing in the telephone directory and a code ring card.

(2) The subscriber installs, owns and maintains, at his expense, the necessary facilities from the company line at the office pole to the subscriber's instrument and also the complete telephone instrument and battery.

(3) The subscriber will be allowed a discount of ten per cent (10%) on the charge for exchange service, if bill is paid at the company's office during the first month of the year. New subscribers will be billed from the date of connection to the end of the year and annually in advance thereafter. Initial bills rendered new subscribers will be subject to a ten per cent (10%) discount on the charge for exchange service, provided the bill is paid at the company's office within thirty days after date of bill.

TOLL RATES.

Rates for toll service between Triunfo exchange and any other toll point in California are the rates determined in accordance with the terms and conditions of Order No. 2495, dated December 13, 1918, and Order No. 2797, dated February 17, 1919, amendatory thereto, of the Postmaster General of the United States; provided, however, that as to any toll points on a connecting line over which rates established by the Postmaster General do not apply, the rate shall be the sum of the rate between Triunfo and the connecting point on such line to which such rates established by the Postmaster General do apply, and the rate in effect between this connecting point and the toll point.

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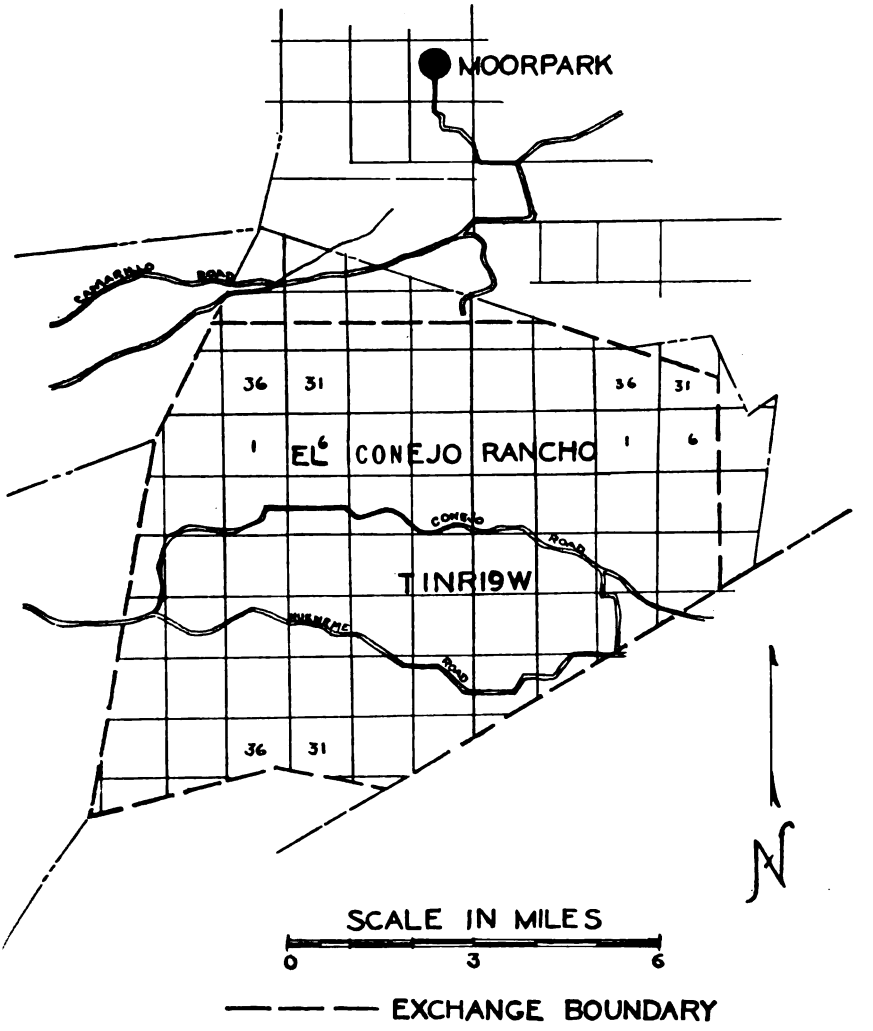
EXHIBIT "B."

CALIFORNIA RAILROAD COMMISSION

TRIUNFO EXCHANGE AREA

OF

OXNARD HOME TELEPHONE COMPANY



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DECISION NO. 15778.

IN THE MATTER OF THE APPLICATION OF JEROME STARKEY, DOING BUSINESS UNDER THE NAME OF STARKEY TRANSFER AND STORAGE COMPANY, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A TRANSPORTATION COMPANY FOR THE TRANSPORTING OF HOUSEHOLD GOODS, OFFICE FURNITURE AND EQUIPMENT, AND PERSONAL EFFECTS, WITHIN A RADIUS OF ONE HUNDRED TWENTY-FIVE MILES OF SACRAMENTO.

Application No. 11579.

Decided December 21, 1925.

CERTIFICATE—AUTO TRUCK LINE.—Application denied.

Evan J. Hughes, for Applicant.

Harry A. Encell and *James A. Miller*, by *Harry A. Encell*, for Consolidated Furniture Moving Corporation and Bekins Fireproof Storage, Protestants.

Dunn and Brand and *Morrison, Hohfeld, Foerster, Shuman and Clark*, by *H. W. Clark*, for Capital-Sacramento Transfer Van and Storage Company, Intervener.

W. L. Latta, for El Dorado Motor Transportation Company, Sacramento Freight Line, Sacramento Auto Truck Company, Sacramento-Corning Freight Line, and River Auto Stage, Protestants.

C. E. Spear, for Southern Pacific Company, Protestant.

Butler, Van Dyke and Desmond, by *B. F. Van Dyke*, for Liberty Transfer and Storage Company, Protestant.

C. R. Detrick, for Western Pacific Railroad Company, Sacramento Northern Railroad, San Francisco-Sacramento Railroad Company, and Central California Traction Company, Protestants.

WHITSELL, *Commissioner*.

OPINION.

In the above entitled application, as amended, Jerome Starkey, doing business under the fictitious name of Starkey Transfer and Storage Company, petitions for an order declaring that public convenience and necessity require the operation by him of an auto truck service as a transportation company, for the movement, on demand, of household goods, office furniture and equipment, and personal effects from point to point within an area bounded by a 30-mile radius with Sacramento as its center, or from or to said area to or from points in an area bounded by a 125-mile radius with Sacramento as its center, or from point to point in this latter area if the movement would reasonably pass through Sacramento or within 20 miles thereof, providing also that the area served shall be extended on the state highways to include Red Bluff and Redding via Anderson and Cottonwood, Merced and Fresno via Athlone, Berenda, Madera and Herndon, and Del Monte, Monterey, Pacific Grove and Carmel via San Juan and Salinas.

Applicant alleges that he has been engaged in the business of transporting household goods, furniture, etc., within territory of 125 miles radius of Sacramento since January, 1917, and that there are many other companies engaged in a like business in Sacramento and vicinity, and that there is a demonstrated need for the service offered.

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Attached to the application are proposed rules, regulations, tariffs of rates and list of equipment, which latter consists of one 6-ton tractor-trailer van, two 4-ton tractor-trailer vans and one 2-ton truck.

Capital-Sacramento Transfer Van & Storage Company filed a petition in intervention, in which it was alleged that it had been engaged in the transportation of household goods and furniture in a territory within a 200-mile radius of Sacramento since March, 1916, that intervener has now an application on file with the Railroad Commission praying for a certificate authorizing similar service in the same general territory proposed by applicant, requesting that any certificate which may be issued be made subject to present or future showing by intervener as applicable to the territory both desire to serve.

A public hearing was held at Sacramento, the matter was duly submitted and is now ready for decision.

Applicant, Jerome Starkey, testified that he had been engaged in the transportation of furniture and household goods in Sacramento and surrounding territory for some years, trips having been made to Redding on the north and to Fresno and Los Angeles on the south. Witness explained in detail the equipment used, his method of operation and other matters.

Applicant presented an exhibit showing the business done exclusive of that handled solely within the city limits of Sacramento and covering the period from July, 1923, to July, 1925, inclusive. He further testified that the out of town hauling, as shown by the exhibit, represented 50 to 60 per cent of all business done, and that 60 per cent of the out of town business was transported between Sacramento and the San Francisco Bay region.

Three witnesses were presented in support of the application who had used applicant's service and who were satisfied with the rates and service received, but who were not informed as to any need for service except as they had made use of it in the past.

In further support of the application four other witnesses testified, but from the record herein find nothing materially supporting the allegation of applicant.

Harry Gorman, secretary of the Consolidated Furniture Moving Corporation, protestant herein, and an authorized carrier, testified that his company renders a biweekly service between the Bay District and Sacramento; that for some time operations out of Sacramento had been conducted at about one-third of truck-load capacity. In the opinion of this witness the light business was due to the cutting of rates by unauthorized carriers.

R. J. Bekins, testifying for Bekins Fireproof Storage, another protestant, stated that his company's vans operated at about one-half

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capacity as regards service rendered between Sacramento and the Bay District.

Arthur I. Burger, a witness for Liberty Transfer & Storage Company, who protested the granting of this application, stated that his company made a weekly trip, many times with trucks only partially loaded and every fifth or sixth week trucks were operated without load.

The Commission has heretofore held that an applicant for a certificate of public convenience and necessity is required to make a complete and affirmative showing before a certificate may be issued. No such showing has herein been presented. The record discloses the testimony of applicant and three witnesses who have availed themselves of his service. If there be a demand for applicant's proposed service, the record herein shows no evidence of such demand, or any proof as to applicant's knowledge of the conditions existing that would require his services.

After full consideration of the record and evidence herein, I am of the opinion and hereby find as a fact that no showing of public convenience and necessity has been made which justifies the issuance of the desired certificate and for such reason application must be denied.

I recommend the following form of order:

ORDER.

A public hearing having been held on the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised and basing its order on finding of fact as set forth in the opinion which precedes this order:

The Railroad Commission of the State of California hereby declares that public convenience and necessity do not require the operation by Jerome Starkey, doing business under the fictitious name of Starkey Transfer and Storage Company, of an automotive truck line for the transportation of household goods, office furniture, etc., from point to point within territory of 125-mile radius of Sacramento and as more fully set out in the preceding opinion; and

It is hereby ordered, that this application be and the same hereby is denied without prejudice.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-first day of December, 1925.

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DECISION NO. 15779.

IN THE MATTER OF THE APPLICATION OF THE BOARD OF SUPERVISORS OF SAN JOAQUIN COUNTY FOR A ROAD CROSSING OVER TRACKS OF THE SOUTHERN PACIFIC COMPANY AT CASTLE, SAN JOAQUIN COUNTY, CALIFORNIA.

Application No. 11018.

Decided December 21, 1925.

GRADE CROSSING—STEAM RAILROAD—TO CONSTRUCT.—Conditional permission granted to construct highway crossing, upon rehearing.

R. C. Pardoe, for County of San Joaquin.
Arthur L. Levinsky, for Southern Pacific Company.
Nutter, Hancock and Rutherford and *Geo. E. Frioux*, for various interested property owners.

BY THE COMMISSION.

OPINION ON REHEARING.

This proceeding was initiated by the county of San Joaquin filing with this Commission, in accordance with section 2694 of the Political Code, a copy of a petition to its board of supervisors to appoint viewers and the order of that board appointing same to view and report on a proposed road, the route of which crosses the tracks of Southern Pacific Company.

At a former hearing, the county failed to show sufficient public necessity to warrant the opening of an additional grade crossing over Southern Pacific Company tracks in this vicinity and the Commission in its Decision No. 15248, dated August 3, 1925, denied the application. On September 3, 1925, the county filed a petition for rehearing and in this petition the county alleged that the full facts in the matter were not presented before the Commission and that persons described as being the "only persons able to testify of their own knowledge of the necessities for the road" were not produced for the reason that it was assumed that there being no opposition to their petition it would be granted as a matter of course. It should be unnecessary to point out to the county of San Joaquin that public necessity for grade crossings is determined neither by lack of opposition nor by the mere number of witnesses at a public hearing. In order that the Commission could, however, have every opportunity to ascertain all the facts, a further hearing in the matter was held on October 28, 1925, before Examiner Austin.

As set forth in the prior decision, the proposed road would be two miles in length, connecting the main north and south highway, Cherokee lane, with West lane, another north and south road, at a point about six miles north of Stockton. The main line track of Southern Pacific Company lies approximately halfway between these two roads and the

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proposed road would cross the track at siding known as Castle. One mile south of the proposed crossing is Hammer lane, connecting the same two roads and a mile and a half north of Castle the Eight-mile road connects the northerly terminus of West lane with Cherokee lane. Each of these roads is parallel to the proposed road and each crosses the track at grade. One mile west of West lane and accessible by means of Hammer lane is the Lincoln highway, or Lower Sacramento road. The land lying between the two highways is, in general, grain land and much of it has been held in large tracts for many years.

At the second hearing, as at the first, the claim of public necessity for this crossing is based on the three contentions that:

(1) The road is necessary to facilitate the subdivision of these large tracts of land;

(2) It will be a convenience to growers and the public in reaching Castle station; and

(3) It will be an accommodation to school children in reaching the Davis school.

In addition to this, it was claimed that at times of high water in the Calaveras River and the Stockton Diverting Canal, the state highway was sometimes flooded and the state highway traffic could use this proposed road to reach the Lincoln highway, although it was admitted that Hammer lane would serve the same purpose.

It was also claimed that there was public necessity that the county acquire a right of way for this connecting road before the price of land became prohibitive. In the opinion of the county surveyor, this is the proper geographical location for a through road connecting the state and Lincoln highways and that if not constructed at this time it may eventually become necessary for the county to condemn a right of way.

As stated in the former decision, the Commission is of the opinion that this land can be subdivided and opened for settlement without this grade crossing and no further evidence is presented to warrant any change in this opinion. Contention No. 1, cited above, will, therefore, be given no further consideration in this proceeding.

Taking up the second point, then, that the road would prove a convenience to the public in reaching Castle station: There does appear to be a small amount of passenger traffic to and from this flag stop and the road, no doubt, would be necessary in hauling produce for shipment from Castle, if Castle were a shipping point. At present, however, a passing track only is maintained here, although it was stated, by one of the landowners, that there have been some negotiations looking toward the establishment of a team track. The appearance of Southern Pacific Company is shown in the record and, as no evidence to the contrary occurs, they apparently do not regard the establishment of such a team track with disfavor.

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As stated in the prior opinion and order, there is some merit in the contention that the proposed road would benefit several school children, as it is claimed that some children residing in the Davis school district, west of the railroad track, have been forced in the past, because of poor roads, to attend other schools.

In view of these facts, there may be necessity for a public crossing at this point especially if Castle is to become a station for receipt and delivery of freight. If a team track is established, we believe the grade crossing should be permitted.

There is considerable testimony regarding the type of soil in this vicinity and its effect on roads. Certain of the existing roads are impassable in the winter and also, at times, in the summer. The road connecting with one of the adjacent crossings has been open a great many years and being still unpaved is impassable during the winter months. In view of this, it appears to the Commission that if the proposed road remained unpaved it would defeat one of the chief purposes of the crossing, that of providing an open thoroughfare when other roads are incapable of being used. Counsel for the property owners agreed with the Commission's engineer in this respect and the county entering no objection, the paving of this road should be a condition to the opening of this grade crossing.

It also appears that the crossing would occur near the middle of a long passing track and that this track is used by freight trains in effecting meets and also while waiting to get into Stockton yard during periods of congestion. As these trains lie on the siding sometimes for considerable lengths of time, it would be necessary to cut the train at the crossing, with the result that the sections of the train standing on each side of the crossing would obscure the view of the main line track. The hazard to vehicular traffic so affected is especially serious for the reason that the presence of a train on the passing track is usually caused by the near approach of another train on the main line. The view thus is often most obscured at the times of greatest danger. The railroad operates twenty regular trains a day through Castle and during seasons of heavy business there are many extra freight trains.

There is also a dismounted car body which is used as a telegraph station which will, to a certain extent, obscure the view of drivers approaching the crossing from the west. In view of these conditions, coupled with the fact that there appears the possibility that the traffic on the Sacramento-Stockton state highway may, at times, be diverted over this crossing, it is the opinion of the Commission that some special protection should be provided at this crossing when opened. An automatic flagman is, therefore, recommended.

The above recommendations are embodied in the following form of order:

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ORDER.

The board of supervisors of the county of San Joaquin having filed a petition for a rehearing in the above entitled proceeding, said petition having been granted, and a rehearing having been held, the Commission being apprised of the facts, the matter having been duly submitted and now ready for decision:

It is hereby found as a fact, upon the record herein, that the establishment of a crossing, as herein applied for, is not justified by the present existing conditions, but that if and when Southern Pacific Company establishes a public team track at or in the vicinity of the telegraph station now designated in its time table as "Castle" and a road paved with gravel or other equally suitable material is constructed connecting West lane and Cherokee lane, as hereinafter described, then and not otherwise public convenience and necessity will require the establishment of a public crossing at the point above indicated; therefore,

It is hereby ordered, that permission and authority be and it is hereby granted to the board of supervisors of the county of San Joaquin, State of California, to construct a public highway at grade across the tracks of Southern Pacific Company, said crossing being that required to construct a road sixty (60) feet in width, the center line of which is described as follows:

Beginning at the point where the east and west center line of section 11, township 2 north, range 6 east, M. D. B. and M., intersects the westerly line of the right of way of Southern Pacific Company, thence at right angles to said right of way along the east and west center line of said section to the easterly line of said right of way;

said crossing to be constructed subject to the following conditions, namely:

1. The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

2. The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be constructed substantially in accordance with Standard No. 3 as specified in General Order No. 72 of this Commission; shall be protected

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by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

3. An automatic flagman shall be installed for the protection of said crossing at the sole expense of applicant, said automatic flagman to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said flagman shall be borne by Southern Pacific Company.

4. Said crossing shall not be opened until a public team track for the receipt and delivery of freight shipments by Southern Pacific Company shall have been established at or near the proposed point of crossing.

5. Said crossing shall not be opened until the connecting road west, as far as West lane, and east, as far as Cherokee lane, shall have been paved with gravel or an equally suitable material, said pavement to be at least sixteen feet in width.

6. Applicant shall, within thirty (30) days thereafter, notify this Commission in writing of the completion of the installation of said crossing.

7. If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

8. The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this twenty-first day of December, 1925.

DECISION No. 15780.

IN THE MATTER OF THE APPLICATION OF GREENVILLE WATER COMPANY FOR AN ORDER REVISING WATER RATES.

Application No. 11292.

Decided December 21, 1925.

RATES—WATER UTILITY.—Fair rates established.

A. R. Bidwell, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application for an increase in rates filed by A. R. Bidwell as the executor of the estate of Clara Bidwell, deceased, operating under

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the fictitious name and style of the Greenville Water Company, and who operates a public utility water system which supplies water for domestic purposes to the town of Greenville, Plumas County.

The application alleges in effect that the present rates do not yield a fair return upon the investment over and above the costs of maintenance and depreciation. The Railroad Commission is therefore asked to revise and increase the present schedule of rates in order to maintain a reasonable standard of service.

A public hearing in this matter was held before Examiner Satterwhite in Greenville on October 6, 1925, after all interested parties had been notified and given an opportunity to be present and be heard.

The present rates were established by the Railroad Commission in Decision No. 8153, dated September 25, 1920, and are in part as follows:

Monthly Flat Rates.

1. Residences, boarding houses and lodging houses of five rooms or less	$1 40
For each additional room	25
Additional for each bath tub	30
Additional for each toilet	30
Etc.	

Monthly Meter Rates: *Metered Use.*

From 0 to 500 cubic feet, per 100 cubic feet	$0 25
From 500 to 1000 cubic feet, per 100 cubic feet	20
Over 1000 cubic feet, per 100 cubic feet	15

Minimum Monthly Payments:

⅝-inch meters	$1 00
¾-inch meters	1 25
Etc.	

This system obtains its water supply from Buckeye Springs in North Canyon, 1½ miles southwest of Greenville, and the water is transmitted by gravity through an open ditch to a small regulating reservoir and thereafter distributed by pipe line to the consumers in Greenville.

In 1918 the water supply was augmented by utilizing the overflow from Round Valley reservoir, a storage basin also owned by the Bidwell Estate and located at the head of North Canyon. This water is owned by the Round Valley Water Company and is sold to the Greenville Water Company. The distributing system in Greenville was installed about 1880 and reconstructed in 1913. On October 1, 1925, there were 70 active consumers served by this system.

R. E. Savage, one of the Commission's engineers, presented a report in which the original cost of the lands and physical properties was estimated to be $12,007 as of October 5, 1925; the depreciation annuity was given as $187 computed by the 5 per cent sinking fund method, and the maintenance and operating expenses for the immediate future were estimated to be $1,185. There was included in the properties appraised above the sum of $1,725 for a transmission ditch not properly chargeable

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to this utility. This amount, therefore, should be deducted, leaving $10,282 which represents a fair value for the rate base in this proceeding. The corresponding depreciation annuity will be $179.

Mr. Bidwell testified that his operating expenses, exclusive of depreciation, have been $1,326 in 1922, $1,388 in 1923 and $1,484 in 1924. However, the evidence indicates that certain items have been included in these figures which are more properly chargeable to capital installations. It appears that the reasonable costs of operation and maintenance of this system in the immediate future should not exceed $1,300, and this amount will be allowed herein.

The revenues for 1924 amounted to $1,871 and for 1925 will be slightly greater, having been estimated to be about $2,145. Based upon the foregoing figures, the results of operations in 1924 amounted to a net return of 3.7 per cent upon the rate base of $10,282 and the allowance made for future operating expenses. The corresponding return for 1925 will be 6 per cent.

Under the circumstances now existing the present minimum monthly charge for metered service of one dollar is unreasonably low and does not compare properly with the average monthly flat rate charge of two dollars. There are other slight readjustments that may be made in the existing flat rates which will more equitably spread the charges for such service in accordance with the actual use of water, without the necessity of any general increase in rate. The following rate schedule should with proper economy produce a reasonable return upon the investment over and above the costs of operation and depreciation and should at the same time provide for a more uniform classification of charges.

ORDER.

A. R. Bidwell, operating under the fictitious name and style of the Greenville Water Company, having made application to the Railroad Commission as entitled above, a public hearing having been held thereon, and the matter having been submitted:

It is hereby found as a fact that the rates now charged by the said A. R. Bidwell are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the service rendered.

Basing its order upon the foregoing finding of fact and upon the further statements of fact contained in the opinion which precedes this order;

It is hereby ordered, that A. R. Bidwell, operating under the fictitious name and style of the Greenville Water Company, be and he is hereby authorized and directed to file with this Commission, within twenty (20) days from the date of this order, the following schedule of rates, said

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rates to be charged on all bills rendered to consumers after January 1, 1926:

Monthly Meter Rates.

From 0 to 700 cubic feet, per 100 cubic feet	$0 25
From 700 to 1500 cubic feet, per 100 cubic feet	20
From 1500 to 3000 cubic feet, per 100 cubic feet	15
From 3000 to 5000 cubic feet, per 100 cubic feet	10
Over 5000 cubic feet, per 100 cubic feet	05

Monthly Minimum Meter Charges.

⅝-inch meters	$1 50
¾-inch meters	2 00
1 -inch meters	3 00
1½-inch meters	6 00
2 -inch meters	7 50
3 -inch meters	12 00

Meters may be installed by the utility at its own expense upon any service and the consumer billed at meter rates upon 30 days' written notice.

Meters will be installed at the request of any consumer upon the deposit with the utility of the estimated cost of such installation, and water supplied will thereafter be charged for at meter rates; such deposits to be returned to consumers at the monthly rate of one-fourth the bills for water used through the meter.

Monthly Flat Rates.

1.	Residences and boarding houses of five rooms or less	$1 50
	Additional for each bath or toilet	25
2.	Sprinkling of lawns, gardens, etc., per 100 square feet	05
3.	Additional for garage, for each automobile	25
4.	Private barn:	
	(a) Not more than two horses or cows	50
	(b) Each additional horse or cow	20
5.	Hotels	3 00
	(a) Additional for each room with running water	25
	(b) Additional for each bath tub	50
	(c) Additional for each toilet	25
6.	Stores, shops, bakeries, pool halls, soda fountains, soft drink parlors, restaurants	3 00
7.	Drug stores and photograph galleries	3 50
8.	Banks, fraternal halls, club rooms, churches	1 50
9.	Office buildings, for each office	50
10.	Barber shops:	
	(a) Per chair	1 00
	(b) Additional for each bath tub	1 00
	(c) Additional for each toilet	50
11.	Creameries, slaughter houses and laundries	5 00
12.	Livery stables or feed yards, average number of head of stock per month, per head	25
13.	Blacksmith shops, machine shops, lumber yards, warehouses	3 00
14.	Public garages:	
	(a) Six automobiles or less	3 00
	(b) Each additional automobile	50
15.	Automobile stage depots, filling stations, automobile repair shops	2 00
16.	Public schools	3 50
17.	Water motors	1 50
18.	Building work:	
	(a) For mixing mortar and dampening brick, per 1000 brick	35
	(b) Cement work, per barrel of cement	15
19.	All other use (including street sprinkling), at metered rates.	

It is hereby further ordered, that A. R. Bidwell be and he is hereby directed to file with the Railroad Commission within thirty (30) days from the date of this order, rules and regulations governing the distribution of water to his consumers, said rules and regulations to become effective upon the approval by this Commission.

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For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this twenty-first day of December, 1925.

DECISION No. 15782.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING APPLICANT TO ISSUE, SELL AND DELIVER ITS FIRST PREFERRED CAPITAL STOCK TO THE PAR VALUE OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS AND TO USE THE PROCEEDS FROM THE SALE OF SAID STOCK IN THE MANNER AND FOR THE PURPOSES SET FORTH IN THE APPLICATION.

Application No. 12261.

Decided December 21, 1925.

SECURITIES—STOCK—TO ISSUE AND SELL.—Application granted.

Chas. P. Cutten, for Applicant.

BY THE COMMISSION.

OPINION.

Pacific Gas and Electric Company asks permission to issue and sell, at not less than $95 per share, 25,000 shares ($2,500,000 per value) of its 6 per cent first preferred capital stock and expend the proceeds for the purposes hereinafter indicated.

Pacific Gas and Electric Company has an authorized stock issue of $160,000,000 divided into $79,900,000 of 6 per cent first preferred, $100,000 of 6 per cent original preferred and $80,000,000 of common. As of September 30, 1925, the company reports outstanding $54,443,431.91 of first preferred, none of the original preferred and $78,589,015 of common stock. Of the common stock, $31,696,866.66 is reported as being owned by subsidiary companies, leaving in the hands of the public common stock in the amount of $46,892,148.34.

Applicant reports actual or estimated capital expenditures against which it has issued no bonds or stock, except as authorized by Decision No. 15758, dated December 16, 1925, of $26,875,925.74 segregated as follows:

Unreimbursed capital expenditures at September 30, 1925, of Pacific Gas and Electric Company and Mt. Shasta Power Corporation (Exhibit "B," Application No. 12192)	$10,114,330 26
Unexpended balance of capital expenditures authorized at September 30, 1925, by Pacific Gas and Electric Company (Exhibit "C," Application No. 12192)	8,342,091 11
Estimated cost of new construction, Pacific Gas and Electric Company for 1925 and 1926 (Exhibit "D," Application No. 12192	6,000,000 00
Unexpended balance of capital expenditures authorized at September 30, 1925, by Mt. Shasta Power Corporation (Exhibit "E," Application No. 12192)	2,419,504 37
Total	$26,875,925 74

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By Decision No. 15758, dated December 16, 1925, the Commission authorized the company to use $464,105.40 obtained or to be obtained from the sale of stock, the issue of which has heretofore been authorized by the Commission, to finance in part the expenditures referred to herein. Deducting the $464,105.40 from the $26,875,925.74 leaves a balance of $26,411,820.34. The company asks permission to use the proceeds obtained from the sale of the $2,500,000 of first preferred stock to finance in part construction expenditures to which reference has been made.

ORDER.

Pacific Gas and Electric Company having applied to the Railroad Commission for permission to issue $2,500,000 of 6 per cent first preferred stock, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant for the purpose specified in this order and that the expenditures for such purpose are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should be granted as herein provided; therefore

It is hereby ordered, that Pacific Gas and Electric Company be and it is hereby authorized to issue and sell on or before December 31, 1926, at not less than $95 per share, 25,000 shares ($2,500,000 par value) of its 6 per cent first preferred stock and use the proceeds obtained from the sale of such stock to pay in part such cost of the extensions, additions, betterments and improvements to its facilities and to those of Mt. Shasta Power Corporation described in Exhibits "B," "C," "D" and "E" filed in Application No. 12192 as is properly chargeable to fixed capital accounts under the uniform system of accounts prescribed or adopted by this Commission.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-first day of December, 1925.

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DECISION NO. 15788.

LOS ANGELES COUNTY, A MUNICIPAL CORPORATION; GILMORE OIL COMPANY, A CORPORATION.

vs.

PACIFIC ELECTRIC RAILWAY COMPANY, A CORPORATION; SOUTHERN PACIFIC COMPANY, A CORPORATION.

Case No. 2111.

Decided December 21, 1925.

RATES—STEAM RAILROAD—ROAD OIL.—Defendant carriers directed to desist from publishing and applying rates on road oil from Sherman Junction to Los Angeles, Compton and Baldwin Park which exceed the rates from El Segundo to those points. Reparation denied.

D. Decoster, B. H. Carmichael and *Glenn, Clowe, Van Dine and Turcotte*, by *F. W. Turcotte*, for Complainants.
C. W. Cornell and *G. F. Squires*, for Defendant Pacific Electric Railway Company.
C. W. Cornell and *L. C. Zimmerman*, for Defendant Southern Pacific Company.

SQUIRES, *Commissioner*.

OPINION.

Los Angeles County, one of the complainants, is a municipal corporation of the State of California. The other complainant, Gilmore Oil Company, is a corporation engaged in the business of producing, refining, blending, buying and selling petroleum products. By complaint filed March 17, 1925, complainants allege that the rates assessed by defendants during a period of two years immediately preceding that date for the transportation of road oil moving from Sherman Junction to Los Angeles, Baldwin Park and Compton were and are unjust and unreasonable, in violation of section 13 of the Public Utilities Act, and unduly discriminatory and prejudicial to complainants and unduly preferential to shippers located at El Segundo, in violation of section 19 of the act. Reparation and rates for the future are asked for.

The A. F. Gilmore Company, a corporation, intervened in support of complainants' allegations and requested reparation on shipments of road oil forwarded by it prior to July 1, 1923, from Sherman Junction to Los Angeles. Intervener was the predecessor in interest of complainant Gilmore Oil Company, in the production and marketing of road oil at Sherman Junction, the latter company on July 1, 1923, assuming control of that portion of intervener's activities in the territory contiguous to Sherman Junction.

The shipments of road oil involved in this proceeding consisted of 607 carloads, of which 377 were destined to Los Angeles, 198 to Compton and 32 to Baldwin Park. The shipments to Los Angeles were made by the A. F. Gilmore Company prior to July 1, 1923, and by the Gilmore Oil Company thereafter and moved Pacific Electric Railway via Vineyard and Culver Junction, a distance of 16 miles. The shipments to

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Compton and Baldwin Park were made by Los Angeles County and moved via the joint route, Pacific Electric Railway to Los Angeles, thence Southern Pacific Company to destinations, distances of 28 and 35 miles, respectively. The applicable rates were: to Los Angeles 3½ cents, to Compton 6 cents and to Baldwin Park 7 cents per 100 pounds prior to February 15, 1925, and 6 cents per 100 pounds thereafter.

The rates here sought are the same as those concurrently maintained by defendants on road oil from El Segundo, namely, to Los Angeles 2½ cents, to Compton 5 cents and to Baldwin Park 6 cents, prior to December 22, 1924, and 5½ cents thereafter. The distance from El Segundo to Los Angeles is 17 miles, to Compton 29 miles and to Baldwin Park 36 miles.

The Gilmore Oil Company owns and operates a refinery about one and one-half miles from Sherman Junction, situated in what is known as the "Salt Lake field." The crude oil is secured from wells adjacent to the refinery and after a special process of refining necessary to produce road oil is transported in insulated trucks to the shipping point at Sherman Junction.

The record shows that the road oil produced by intervener and complainants was and is similar in nature to, and commercially competitive with, oil produced by the Standard Oil Company at El Segundo, known by the trade name of "Cal Oil," L2, L3, L4 and L5. The basic price of road oil is set by the Standard Oil Company and is generally followed by the smaller concerns engaged in manufacturing the same commodity. The record also shows that intervener and complainants were in competition with the Standard Oil Company in marketing their road oil at Los Angeles.

Los Angeles County, during the period involved herein, was under contract to secure its entire supply of road oil from the intervener prior to July 1, 1923, and thereafter from complainant Gilmore Oil Company. The contract made by the county was awarded to the lowest responsible bidder, predicated on a delivery price f. o. b. shipping point. The freight rate to the ultimate point of consumption apparently was not taken into consideration when the contract was awarded; hence, the county was compelled to secure its road oil from Sherman Junction and could not purchase at shipping points enjoying lower freight rates.

In support of their allegations complainants rely mainly upon the rates of defendants from El Segundo to Los Angeles, Compton and Baldwin Park and contend that the circumstances and conditions of operation surrounding the traffic from Sherman Junction, not being materially different from those applying to the El Segundo traffic, the rates should be on a parity.

Defendants, on the other hand, maintain that the rates on road oil from El Segundo are less than reasonable, and by testimony and

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exhibits proved that the 2½-cent rate to Los Angeles was established by the Pacific Electric Railway on January 25, 1923, to meet the rate concurrently in effect via The Atchison, Topeka and Santa Fe Railway, which first named rate, although not fully remunerative, was necessary to hold to the rails of the Pacific Electric part of the El Segundo oil tonnage. Defendants also maintain that the cost of operation is greater in the movement of traffic from Sherman Junction to Los Angeles than from El Segundo to Los Angeles. However, the evidence presented in support of this allegation is not convincing. The record does show some cost items higher in connection with the traffic from Sherman Junction than from El Segundo, and apparently defendants have used these items for comparative purposes without a comprehensive showing with respect to the other elements which must be considered in arriving at an approximation of the total costs of operation. Comparisons are valuable only when every element entering into the determination of the entire cost of moving a particular commodity is given due consideration, and the final result, rather than the component parts thereof, is used for comparative purposes.

Complainants, however, direct attention to the fact that the rate on road oil maintained by the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway from Wilmington and intermediate points to Los Angeles is 2½ cents per 100 pounds, the same as from El Segundo, the distances varying from 15 to 31 miles; that the rate of the Pacific Electric Railway Company between the same points is 3 cents, and that from Sherman Junction to points east of Los Angeles defendants maintain local and joint rates on road oil on the same basis as from El Segundo when the El Segundo rates are 6 cents or over. They also claim that the assailed rates, Sherman Junction to Compton and Baldwin Park, although now specifically published, were and are the same as the rates made by combination over Los Angeles. A check of the applicable tariffs, however, indicates that while this is true as to Compton, the rates to Baldwin Park were and are less than the combination rates. In the same connection complainants cite our findings in *Wilshire Oil Company* vs. *Sunset Railway et al.*, Decision No. 15051, decided June 15, 1925, wherein we held that the rate assessed on casinghead gasoline from Fellows to Los Angeles made by using the full local rate from Fellows to Taft, plus rate from Taft to Los Angeles, was unreasonable, and in so finding said: "This method of making through rates for heavy tonnage commodities moving in regular volume is not just and reasonable and has been expressly condemned." However, in the Wilshire Oil Company case the Commission was confronted with an entirely different situation than is presented in this proceeding, for here the assailed rate to Compton involves a compara-

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tively short haul of 28 miles, while from Fellows to Los Angeles the haul is 221 miles, only 6 miles further than from Taft to Los Angeles.

Both complainants and defendants compare the assailed rates on road oil with rates on other commodities, such as sugar beets, dried beans, clay, hollow tile, lumber, etc., concurrently in effect in the territory contiguous to Los Angeles for distances ranging from 15 to 21 miles. These comparisons have been given consideration, but they are of little probative value, as neither of the parties offered any evidence showing whether or not, with respect to movement, these commodities bear any relationship to road oil.

The rates on road oil from both El Segundo and Sherman Junction to Los Angeles were previously adjudicated by this Commission in Application No. 4733, Decision No. 7252, decided March 12, 1920 (17 C. R. C. 894). In that case the Pacific Electric Railway requested authority to increase certain rates on petroleum and petroleum products, including road oil. We prescribed, from El Segundo and Sherman Junction to Los Angeles, a rate on road oil of 4 cents per 100 pounds, which rate became effective April 22, 1920, and which was increased on August 26, 1920, to 5 cents by authority of this Commission in Application No. 5728, Decision No. 7983 (18 C. R. C. 646), and subsequently reduced to 4½ cents effective July 1, 1922, following the order of the Interstate Commerce Commission in Docket 13293 (68 I. C. C. 676). The 4½-cent rate was continued in effect until January 25, 1923, at which time, by action of defendants, the El Segundo to Los Angeles rate was reduced to 2½ cents and the Sherman Junction to Los Angeles rate to 3½ cents, thus destroying the parity of rates existing from El Segundo and Sherman Junction to Los Angeles during the period between April 22, 1920, and January 25, 1923. It is alleged by defendants that these changes were necessary to meet competitive conditions existing at El Segundo which were not controlling at Sherman Junction.

Without going into all the details set forth in the record, it is sufficient here to state that the road oil rates from Sherman Junction and El Segundo to Compton were on a parity from April 22, 1920, to January 25, 1923. On the latter date the El Segundo to Compton rate was reduced from 7 cents to 5 cents, while the Sherman Junction rate was reduced from 7 cents to 6 cents, which rates are in effect today, El Segundo having a differential in its favor to Compton of 1 cent per 100 pounds. The rates from El Segundo and Sherman Junction to Baldwin Park have never been on a parity and at the present time the rate from El Segundo to Baldwin Park is 5½ cents and from Sherman Junction 6 cents, a difference in favor of El Segundo of one-half cent. This is the lowest differential, as between these two points to Baldwin Park, within the past eight years.

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There appears in the record to be no competitive or operating reasons why the rate on road oil from Sherman Junction to Los Angeles, a distance of 16 miles, should be 3½ cents, and from El Segundo to Los Angeles, a distance of 17 miles, 2½ cents; from Sherman Junction to Compton, a distance of 28 miles, 6 cents; from El Segundo to Compton, a distance of 29 miles, 5 cents; from Sherman Junction to Baldwin Park, a distance of 35 miles, 6 cents, and from El Segundo to Baldwin Park, a distance of 36 miles, 5½ cents; in short, from oil fields in practically the same locality the rates are lower for the longer than for the shorter haul.

Upon consideration of all the facts, I am of the opinion and so find that the assailed rates on road oil from Sherman Junction to Los Angeles, Compton and Baldwin Park were not in the past nor are they now upon this record shown to be unreasonable; but that they were and are discriminatory and prejudicial to the extent that they exceed the rates on road oil which defendants maintain from El Segundo to Los Angeles, Compton and Baldwin Park.

There is left for consideration whether or not complainants are entitled to reparation because of the discrimination and prejudice found to exist.

Complainant Los Angeles County purchased the road oil involved in this proceeding f. o. b. cars Sherman Junction and, therefore, was required to accept the oil at that point regardless of any transportation charge which might have been in effect from competitive producing points. Manifestly, if competitors were in a position to deliver oil at either Los Angeles, Compton or Baldwin Park by a pipe line and employed no railroad common carrier, this complainant could not be heard, and the Commission would have no authority to award reparation.

We are of the opinion that as to complainant Los Angeles County the case presents no basis for an award of reparation and the prayer for reparation should be denied.

Complainant Gilmore Oil Company, and intervener, A. F. Gilmore Company, base their claim for reparation on the ground that they were in competition with other oil companies at Los Angeles, and they assume that since they paid the freight charges they were damaged in an amount equal to the difference between the charges paid and the charges which would have accrued had the same rates been in effect from Sherman Junction to Los Angeles as from El Segundo to Los Angeles.

This Commission, the Interstate Commerce Commission, and the Supreme Court of the United States have held, in discrimination proceedings, that the damages suffered, if any, are not necessarily an

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amount equal to the difference in rates. The fact of the damage, and the amount, must be definitely established the same as required in a court of law. (*Penn. R. R. Co.* vs. *International Coal Co.*, 230 U. S. 184.) (*Steiger Terra Cotta & Pottery Works* vs. *Southern Pacific Company*, 7 C. R. C. 288.)

The proof contained in this record fails to meet the requirements set forth in those cases and reparation must, therefore, be denied.

I recommend the following form of order:

ORDER.

This case being at issue upon complaint, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendants, Pacific Electric Railway Company and Southern Pacific Company, according as they participated in the transportation, be and they are hereby notified and required to cease and desist, on or before February 15, 1926, and thereafter to abstain from publishing, maintaining or applying rates on road oil, from Sherman Junction to Los Angeles, Compton and Baldwin Park, which exceed the rates on road oil contemporaneously in effect on like traffic from El Segundo to Los Angeles, Compton and Baldwin Park.

It is hereby further ordered, that defendants, Pacific Electric Railway Company and Southern Pacific Company, according as they participated in the transportation, be and they are hereby notified and required to establish, on or before February 15, 1926, upon notice to this Commission and to the general public by not less than five (5) days' filing and posting in the manner prescribed in section 14 of the Public Utilities Act, rates on road oil from Sherman Junction to Los Angeles, Compton and Baldwin Park which shall not exceed the rates on road oil contemporaneously in effect from El Segundo to Los Angeles, Compton and Baldwin Park.

It is hereby further ordered, that as to all other matters involved, the complaint in this proceeding be and the same is hereby dismissed.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-first day of December, 1925.

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DECISION No. 15789.

IN THE MATTER OF THE APPLICATION OF THE ELSINORE GAS WORKS FOR A CHANGE IN BASIC RATES AND THE ESTABLISHMENT OF JUST AND REASONABLE RATES.

Application No. 11043.

Decided December 22, 1925.

RATES—GAS UTILITY—TO INCREASE.—Application denied.

Samuel H. Gunder, for Applicant.

SEAVEY, *Commissioner*.

OPINION.

Samuel H. Gunder, doing business under the name of Elsinore Gas Works, applies for permission to increase the rates charged for gas service in the town of Elsinore.

At a public hearing held in Elsinore, June 2, 1925, a certain amount of evidence in support of this application was introduced by Mr. Gunder and considerable protest was heard from his consumers. The evidence presented was not complete and in itself is not sufficient to show that an increase in rates is necessary to permit of the earning of a reasonable return on the capital invested.

A report was introduced by an engineer representing the Commission, showing estimates of the revenue and expenses for the coming year, and these estimates, in connection with Mr. Gunder's testimony regarding the cost of the plant, indicate that a fairly satisfactory return may be hoped for.

The complaints voiced by the consumers were directed not only at any increase in rate and the usual service troubles regarding which such complaints are customarily made, but related as well to the character of the business dealings of the applicant with its consumers. The attitude of representatives of the Elsinore Gas Works during the hearing was such as to lend color to the charges made by the consumers and it is quite evident that there has been a marked lack of courtesy and effort to secure satisfactory relations between the utility and its patrons. Under such conditions it would require a far more definite showing than has been made for this Commission to give serious consideration to this application.

The evidence shows that at the time of the hearing there were many prospective consumers who were not using gas and that certain consumers had ceased the use of gas because of unsatisfactory personal relations with the utility.

The plant is well built and in good condition, and a sincere effort on the part of its owners to give satisfactory service and courteous treatment to consumers will undoubtedly result in an increase in business

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and a thoroughly satisfactory return. Should these efforts fail, the application may be renewed, but the Commission will expect that it be supported by evidence of more satisfactory public relations and a more definite showing of past and future operating results and of capital invested.

ORDER.

Samuel H. Gunder, doing business under the name of Elsinore Gas Works, having applied to the Railroad Commission for authority to increase the rates and charges for gas service supplied in the town of Elsinore, public hearing having been held and the matter having been submitted:

The Railroad Commission hereby finds as a fact that under existing conditions the rates and charges of Elsinore Gas Works are not unreasonable nor unjust. Basing its order on the foregoing finding of fact and the findings of fact in the opinion preceding this order;

It is hereby ordered, that the above entitled application be and the same is hereby denied without prejudice.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-second day of December, 1925.

DECISION NO. 15790.

IN THE MATTER OF THE APPLICATION OF THOMAS R. LAFFOON FOR PERMISSION TO INCREASE WATER RATES IN THE TOWN OF COTTONWOOD, SHASTA COUNTY, CALIFORNIA.

Application No. 11384.

Decided December 22, 1925.

RATES—WATER UTILITY—TO INCREASE.—Reasonable rates established.

Chenoweth and Leininger, by *C. W. Leininger*, for Applicant.
J. H. Roth, Protestant.
E. J. Foster, Protestant.
H. S. Aschbaugh, Protestant.

BY THE COMMISSION.

OPINION.

In this proceeding Thomas R. Laffoon, who owns and operates the public utility water works which furnish water for domestic purposes to the inhabitants of the unincorporated town of Cottonwood, Shasta County, asks for authority to increase water rates. The application alleges in effect that the present rates are noncompensatory, being inadequate to yield sufficient revenue to meet the annual charges neces-

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sary for the operation of the system, including a fair interest return on the investment.

A public hearing in this matter was held at Redding before Examiner Austin, of which all interested parties were duly notified and given an opportunity to appear and be heard.

This water system was originally installed by Mr. Laffoon about 1911, when 15 consumers in the vicinity of his pumping plant were given service of water. To meet the increase in the demand for service the distribution pipe mains have been gradually extended and in 1914 a second well and a 25,000-gallon tank and improved electrically driven pumping equipment were installed. At the present time the distribution system consists of about 2800 lineal feet of pipe mains largely of 3" and 2" standard screw galvanized. The active consumers in 1925 averaged about 45, of whom 16 are metered.

A field investigation of this system was made by H. A. Noble, one of the Commission's hydraulic engineers, which shows the estimated original cost of the present operative system as $7,307, and the depreciation annuity computed on a 5 per cent sinking fund basis as $86.96; also an estimate of $1,036 as a reasonable allowance for the annual maintenance and operation expenses for the future, based on present operating methods and conditions.

Details of the maintenance and operating expenses for eight months of 1923 and for the year 1924 were submitted by applicant, showing the totals of $689.51 and $1,028.25 respectively, after including a salary item for superintendence of $60 per month. On the other hand, in the annual reports of this utility to the Commission the total operating expenses for 1923 were given as $57.25 and for 1924 as $1,279.70. In explanation of above discrepancy Mr. Laffoon testified that it has been necessary to largely compile his financial statements from memory, since the book accounts of his expenditures on the system have not been systematically kept and therefore his records are fragmentary and very incomplete.

Applicant also submitted an estimate of the cost of the plant and equipment, showing the total as $8,948, but including certain non-operative property.

After carefully considering all the evidence submitted relating to the past operations of this utility, it appears that the following annual charges are the fair and reasonable amounts to be produced from rates in the future:

Maintenance and operation expenses	$1,100 00
Depreciation annuity	87 00
Return on $7,307 at 8%	585 00
Total annual charges	$1,772 00

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The annual reports of applicant as filed with the Commission show the total operating revenues for 1923 as $750 and for 1924 as $1,020. It is therefore apparent that the present rates charged are inadequate to produce the above annual charges and that an increase should be granted. A study of the present rate schedule in connection with the data submitted regarding the water use on the system shows that certain adjustments of the present form of rates will result in a more equitable distribution of the charges among the various consumers in accordance with the actual use of water. Accordingly the rate schedule set out in the following order has been computed and designed to yield a reasonable return upon the investment commensurate with the present stage of the development of the business of this utility.

ORDER.

Thomas R. Laffoon, who owns and operates the public utility water system supplying the town of Cottonwood, Shasta County, having applied to this Commission for an order authorizing an increase in rates, a public hearing having been held thereon, and the Commission being fully apprised in the premises:

It is hereby found as a fact that the present rate schedule of Thomas R. Laffoon, in so far as it differs from the schedule herein established, is unjust, unreasonable and unremunerative, and that the rates herein established are just and reasonable rates to be charged consumers on this system for water.

And basing its order upon the foregoing findings of fact and upon the other statements of fact contained in the opinion preceding this order:

It is hereby ordered, that Thomas R. Laffoon be and he is hereby directed to file with this Commission, within ten (10) days from the date of this order, the following schedule of rates to be charged for all water delivered to consumers subsequent to January 1, 1926:

Monthly Flat Rates.

1.	For residences, flats, rooming houses or other dwellings of six rooms or less	$1 75
	For each additional room	10
	Additional for each flush toilet or bath tub	25
2.	For irrigation of lawns, shrubbery, trees or gardens, per 100 square feet of surface actually watered, payable from May to October, inclusive:	
	For 2000 square feet or less, per 100 square feet	07
	From 2000 to 10,000 square feet, per 100 square feet	04
	All over 10,000 square feet, per 100 square feet	03
3.	For each private barn or stable, not more than one horse or cow	25
	For each additional horse or cow	10
4.	Lodge rooms or public assembly halls	1 25
5.	For ordinary stores, shops or business places	1 50
6.	For restaurants and soft drink places, or stores having in connection soda fountains, ice cream or lunch parlors	2 00

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7. Additional for each bath tub, flush toilet or urinal in items 4 to 6, inclusive	30
8. For each public school, per year	48 00

9. Water for all purposes or establishments not specified in the above schedule, including laundries and meat markets with cold storage plants, will be charged for at meter rates.

Meter Rates.

Minimum Monthly Charges—	
⅝-inch meter	$1 75
¾-inch meter	2 75
1 -inch meter	4 00
1½-inch meter	9 50
2 -inch meter	15 00

Each of the foregoing "minimum monthly charges" will entitle the consumer to the quantity of water which that minimum will purchase at the following rates:

Monthly Meter Rates—	
From 0 to 500 cubic feet, per 100 cubic feet	$0 35
From 500 to 3000 cubic feet, per 100 cubic feet	24
All over 3000 cubic feet, per 100 cubic feet	16

It is hereby further ordered, that Thomas R. Laffoon file with the Railroad Commission, within thirty (30) days from the date of this order, revised rules and regulations to govern the relations with consumers, such rules and regulations to become effective upon their acceptance for filing by the Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this twenty-second day of December, 1925.

DECISION No. 15792.

IN THE MATTER OF APPLICATION OF SOUTHERN PACIFIC COMPANY FOR AN ORDER AUTHORIZING THE CONSTRUCTION AT GRADE OF A SPUR TRACK ACROSS STATE HIGHWAY (KNOWN AS MONTEREY ROAD), IN THE VICINITY OF COYOTE STATION, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.

Application No. 11347.

Decided December 22, 1925.

GRADE CROSSING—STEAM RAILROAD—SPUR TRACK.—Application granted.

Henry H. Hobbs, for Applicant.
John L. McNab and *W. H. Ford*, for Niles Sand, Gravel and Rock Company.
Paul F. Fratessa, for California Highway Commission.

WHITSELL, *Commissioner.*

OPINION.

In this application, Southern Pacific Company requests permission to construct a spur track across a state highway at a point in Santa Clara County in the vicinity of Coyote, about twelve miles south of San Jose.

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Public hearings were held in San Francisco, August 17, 1925, and October 31, 1925, at which the California Highway Commission appeared and protested the construction of a grade crossing at this point.

In the vicinity of the proposed crossing, a trunk state highway, sometimes known as the Coast highway, is constructed parallel and adjacent to the easterly side of the right of way of the main line of the Southern Pacific's Coast Route.

In the bed of Coyote Creek, which lies across the highway from the track and distant approximately one thousand feet, there is a deposit of gravel, extending for several miles along the creek. The gravel is of good quality and can be economically excavated, washed and handled. Several pits have been opened at various times and one large pit, that formerly owned by E. B. and A. L. Stone but now operated by the Bay Development Company, a mile and a half north of the proposed crossing, is reached by a spur track crossing the highway near Coyote Station. The crossing requested in this application is that of a spur track to serve a new pit which Niles Sand, Gravel and Rock Company, a well established concern operating pits and quarries at several points in the state, proposes to establish. To avoid placing the switch of this spur in its main line track, the railroad proposes to extend one of the side tracks at Coyote southerly a distance of 6700 feet along its right of way to form a drill track. From a point near the southerly end of this drill track, a spur leading across the highway is proposed, connecting with a system of tracks which the rock company plans to construct on its property. The grade of both the highway and the track would be practically level and the angle of crossing would be approximately 35 degrees. Visibility would be partially obscured by an orchard on one side of the highway and a row of walnut trees along the other.

This highway is the main coast route between San Francisco and the southern portion of the state, and, in addition to a heavy local travel, it also carries a large volume of through traffic. Counts taken during July, 1925, indicate a usual week day traffic of about 3000 vehicles during the fifteen hours ending at 9 p.m., increasing to 4000 on Saturday and 5500 on Sunday. These vehicles move generally at high speed as the country for several miles in each direction along the highway is flat and the road has few curves and slight grades.

Under a plan proposed by the California Highway Commission, the second crossing of the highway in the vicinity could be avoided by utilizing the present crossing and constructing an extension of existing trackage southerly along the west bank of Coyote Creek to the property of the Niles Sand, Gravel and Rock Company. Such a track would be

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about one mile in length, and while apparently physically practical, involving no excessive construction costs, it would cross the property of several different owners, one of whom is a competitor of the industry now seeking track service. Right of way for this track would probably be quite expensive and, as the railroad may not in such a case have the right of condemnation, it is possible that some of it could not be obtained at any price. The construction of such a connecting track would apparently obviate the necessity of constructing the 6700 feet of drill track parallel to the main line and the costs of the two methods of reaching the gravel pit, exclusive of right of way, are therefore comparable. In fact, it is probable that the actual construction costs of the plan proposed by the highway engineers would be less than that proposed by applicant.

The construction of a railroad track of any kind over trunk highways presents a problem which should have very thorough study. The traveling public is entitled to the free use of an important traffic artery, with the minimum of interference and hazard. But, on the other hand, the industrial development of the community must not be unduly restricted, and when this development, through the extension of railroad facilities which are essential thereto, conflicts with such free use of the highway, due consideration should be given to the relative importance of each. Stated another way, there are two conflicting factors of public interest involved: one relating to the convenience and safety of the users of the highway, and one relating to the economical production and distribution of various commodities for the public's use.

In the absence of direct testimony as to the economic necessity for opening this gravel pit, the fact that a concern which is now extensively engaged in the gravel and rock business has invested a considerable amount of money and is willing to invest much more in the project can be taken as sufficient evidence that a market for the product exists and that the public will benefit by the resulting development of this natural resource.

On the other hand, the construction and operation of a railroad track at grade across such an important highway will result in a substantial hazard and inconvenience to the traveling public. The proposed crossing would be over a high speed highway out in the country at a considerable distance from a closely built-up area. At such a location, the driver of a vehicle may usually be expected to assume that he has an open road before him or that, if danger exists, he will receive adequate warning thereof. There is also a hazard peculiar to tracks of this nature when both forward and backward switching movements across the highway are necessary and where many times a long train of cars is shoved ahead of the engine. The engine of a train is equipped with certain

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devices for warning and protecting persons who find it necessary to be in the vicinity of railroad tracks, and when the engine proceeds first across a highway the public usually receives the benefit of these devices. In addition to this, the man in direct control of the movement of the train is at the danger point and it is highly probable that an accident could often be prevented by quick action on the part of the engineman; whereas, if this action depended on the passing of signals through two or three different trainmen, it would come too late to be effective. It is true that the railroads' rules provide that a man ride on the head car of a train being shoved over a grade crossing, but it is not apparent how he can do much to prevent accidents except to warn pedestrians or other slow moving traffic.

While it is stated that the number of movements over the crossing would in most cases be but four per day and that these would probably occur in daylight hours, it is possible that more frequent switching would at times be necessary, and that, as the time of switching would depend on the arrival of local freight trains, night movements over the highway might even be required. The hazard offered by the presence of a dark colored railroad car standing or moving across a high-speed, heavily traveled highway at night is apparent. The record shows that any restriction as to hours of switching or number of train movements over the crossing would place a hardship on the industry and the railroad.

As previously stated, the public is interested in both the development of its natural resources as represented by this gravel pit and also in preserving its highways as free as possible from hazards and obstructions. The interests of the public represented by the highway are usually of greater importance than those involved in the construction of a railroad track primarily designed to serve a private business. The ideal solution of the problem, where public convenience and safety through the free use of a highway is weighed against public necessity as represented by industrial development, is that in which the maximum benefit to the public obtains. If in the present case the crossing at grade of the state highway by this spur track can be adequately and effectively protected in such a manner that the public will enjoy nearly the same degree of safety as at present with minimum curtailment of its use of the highway and at the same time the industry is permitted to develop its property, the grade crossing is justified.

This spur track is a private track serving a private business requiring a concession from the public in order to serve that business and the price of that concession should be safety to the public. The obligation of the railroad to reduce the hazard and inconvenience to the public is therefore great and everything that is reasonably and economically

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possible to provide protection and avoid blocking the crossing must be done.

In considering the form of protection required at this crossing, it is at once evident that the hazard is approximately the same for both northbound and southbound highway traffic and the protection afforded each should be the same. It is fundamental that, to be effective, the warning must be given a sufficient distance in advance of the actual danger point to permit the high-speed vehicular traffic to come to a stop with safety. If human flagmen are used for the purpose, they should be two in number, each stationed an ample distance back along the highway from the crossing and equipped with proper flags and lights. If automatic flagmen be used, they also should be two in number, one on each side of the track and on the proper side of the highway, and so designed and operated as to give an effective warning well in advance, both as to time and distance, of the presence of danger. The time of warning should be given special consideration. Human flagmen would naturally give warning only when actual danger existed, but an automatic flagman protecting against switching movements is apt, unless properly controlled, to give many false warnings and in a situation like the present become more of a nuisance than a protection. In order, therefore, that the automatic flagmen suggested above give warning at all times when danger exists, yet only when danger does exist, it is recommended that if installed they be manually controlled, and the acceleration of the banner begin approximately thirty seconds in advance of the actual entrance of the train upon the crossing, continue to operate during such time as the train is on the crossing and cease operation immediately upon the passage of the last car.

In order that there may be no possibility of cars or equipment being shoved out onto the highway by any other than Southern Pacific employees, a derail on the east side of the highway is recommended, this derail to be kept locked at all times, excepting during actual passage of trains over the crossing, with a Southern Pacific lock.

Precaution should also be taken that cars or trains are not allowed to stand across the highway and that they be kept moving while occupying any portion of the highway right of way. To this end switches should be lined in advance of any train movement across the highway. It is hoped that this can be accomplished by instructions and rules issued to trainmen but if not some form of interlocking of switches later may have to be resorted to.

Highways of the importance of this one should not be burdened with a multiplicity of spur track crossings and as there appears to be a possibility, though somewhat remote, that other crossings in this vicinity may be required in the future, a stipulation should be made by the

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owner of the tracks that he will permit and by Southern Pacific Company that they will operate cars over this crossing to serve any other person or industry upon payment of a reasonable portion of the actual cost of constructing same and that the owner will agree to granting such other person or industry such rights to construct track and operate cars over his property as may be reasonably necessary to reach the property or business of such other person or industry.

With conditions covering all the above suggestions, I believe this application can be granted and the following form of order is recommended:

ORDER.

Southern Pacific Company, a corporation, having filed the above-entitled application with this Commission asking for authority to construct a spur track at grade across a state highway in the vicinity of Coyote, county of Santa Clara, State of California, as hereinafter set forth, a public hearing having been held, the Commission being apprised of the facts, the matter being submitted and ready for decision;

It is hereby ordered, that permission and authority be and it is hereby granted to Southern Pacific Company to construct a spur track at grade across the state highway designated, in the vicinity of Coyote, county of Santa Clara, State of California, as follows:

Beginning at a point on the southwesterly right of way line of the state highway, known as Monterey road, distant thereon 1630 feet, more or less, southeasterly from the easterly line of Sycamore avenue, produced; thence in a northerly direction on the arc of a curve to the right having a radius of 573.7 feet, a distance of 260 feet, more or less, to a point on the northeasterly line of said Monterey road, said point being distant thereon 1390 feet, more or less, southeasterly from the easterly line of Sycamore avenue;

and as shown by the map (Coast Division Drawing 14817) attached to the application; said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed substantially in accordance with Standard No. 3, or better, as specified in General Order No. 72 of this Commission, and shall be constructed of a width to conform to that portion of said state highway now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

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(3) A derailing switch shall be installed at the easterly boundary of said highway and said derail shall at all times excepting during actual movement of trains across the highway be kept locked in such a position that any car, train or engine moving toward the highway from the easterly side thereof will be derailed.

(4) Two automatic flagmen of a type and installation in accordance with plans or data approved by the Commission shall be installed and maintained for the protection of said crossing. Said automatic flagmen shall be controlled manually and shall be operated for a period of thirty (30) seconds in advance of the passage of any locomotive, motor or car over said crossing, and during the occupancy of said crossing by any locomotive, motor or car, but shall not be operated at other times.

(5) Southern Pacific Company and the owner of the industry for whose benefit this crossing is authorized shall, before actual construction of said crossing is undertaken, file with the Commission a stipulation or stipulations containing provisions that, upon payment to them of a reasonable portion of the cost of constructing said crossing and track, permission will be granted by them to such other person, persons or corporation as may desire to use said track, the right to operate over same and the right to construct a track across such portions of said owner's land as may be reasonably necessary to reach the property or business of such other person, persons or corporation and the right to operate cars over same.

(6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(7) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(8) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The effective date of this order shall be twenty (20) days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-second day of December, 1925.

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DECISION NO. 15794.

IN THE MATTER OF THE APPLICATION OF PASO ROBLES AND SHANDON TELEPHONE COMPANY FOR AUTHORITY TO REVISE ITS RATES AND FOR PERMISSION TO FILE ITS RULES AND REGULATIONS.

Application No. 11092.

Decided December 23, 1925.

RATES—TELEPHONE UTILITY—TO ADJUST.—Increases allowed in exchange rentals, and one-way toll charge of 25 cents eliminated. Uniform service regulations prescribed.

Paul Pfister, for Applicant.
James G. Marshall, for The Pacific Telephone and Telegraph Company
Edson Abel and *L. S. Wing*, for California Farm Bureau.

BY THE COMMISSION.

OPINION.

In this application Paso Robles and Shandon Telephone Company, hereafter known as the applicant, asks the Railroad Commission for authority to file and make effective certain rates for telephone service as set forth in an exhibit attached to its application, or for such other relief as this Commission may find just and reasonable.

A public hearing was held in this matter before Examiner Satterwhite in Paso Robles on August 25, 1925.

This Commission had received several informal complaints from subscribers of applicant regarding the telephone service furnished, which on investigation were found to be due to the condition of certain lines over which service was furnished to complainants. The request by the Commission that such lines be put in a condition to make satisfactory service possible was met by the contention of applicant that its rates were unjust and noncompensatory, and that its financial condition would not permit of it doing such work. Further negotiations on the matter of service resulted in the filing of the application in this proceeding. Applicant furnishes telephone service to some 105 suburban party-line stations in the territory east of Paso Robles, extending from a boundary near the Salinas River to Annette, and including the communities of Cholame, Shandon and Creston. All of the main lines used in furnishing this service are owned and maintained by applicant as are also some of the branch or tap lines; there are a number of the tap lines, however, which are owned and maintained by the subscribers served by such lines. Applicant does not own or operate a central office switchboard, the necessary switching and interconnection of lines being performed by The Pacific Telephone and Telegraph Company at its central office in Paso Robles. For this service, and the necessary line facilities from the Pacific Company's switchboard to the primary rate

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area boundary of its Paso Robles exchange to meet lines of applicant, applicant pays to the Pacific Company a rate of $3.60 per station per year.

Applicant asks, in this proceeding, that the Commission issue its order defining the territory to be served by applicant and authorizing applicant to file rules and regulations necessary to assure proper maintenance of now privately-owned tap lines and to revise or raise its rates commensurate with services rendered.

The matter of allocation of territory as between the Paso Robles exchange area of the Pacific Company and the area to be served by lines of applicant was the subject of a conference prior to the hearing in this proceeding at which the applicant Farm Bureau, Pacific Company and the Railroad Commission were represented. As a result of this conference an agreement was reached on the extent of the territory to be served by applicant with the exception of the westerly boundary or that adjacent to the Paso Robles exchange area of the Pacific Company.

At the hearing exhibits in the form of maps were filed by applicant and the Pacific Company setting forth the territory that each believed should be served by the lines of applicant. Witnesses for applicant stated that it had served, exclusively, until recently, all territory east of the Paso Robles exchange primary rate area at the Salinas River and claimed that it should continue with this exclusive privilege. The Pacific Company, although serving no magneto suburban stations over its own lines east of Paso Robles, does serve by its own plant and equipment a few common battery exchange stations, the charges for which are based on the Paso Robles exchange rate plus mileage. The Pacific Company's witness contended that the territory to be served exclusively by the Pacific Company should include these stations and expressed his opinion that there would be a growing demand in the area adjacent to the eastern border of Paso Robles for its telephone service.

It does not appear from the testimony that applicant is in a position to serve adequately that territory just east of the Salinas River at the present time due principally to its base of maintenance operations being located several miles east of Paso Robles, as it of necessity must be, if prompt repairs are to be made for the majority of applicant's subscribers. The territory assigned to applicant is shown in Exhibit "B" attached hereto. The westerly boundary line of this territory is designed to exclude the stations served by the Pacific Company and at the same time include a section which will permit of a maximum usefulness of facilities already installed by applicant and avoid duplication of such facilities.

An inventory of its physical properties was made a part of its application by applicant. This inventory was checked in the field by

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Mr. F. M. Casal, assistant engineer of the Railroad Commission, and found to be substantially correct. An appraisal of applicant's telephone properties made subsequent to the hearing based on the above mentioned inventory resulted in a total valuation on historical reproduction cost undepreciated basis of $14,897. This value includes property donated to the applicant by its subscribers, in an amount of approximately $7,000.

In addition to outside plant nominally owned by applicant there is a considerable number of branch lines which are owned by subscribers. According to evidence introduced at the hearing the lack of maintenance on these branch lines is responsible for most of the interruptions in the service furnished by the applicant. It is, of course, a fact that if a serious fault occurs on one of these branch lines service is interrupted to all stations connected to the associated main or "backbone" line. As applicant has had no control over the location of these branch lines it would have difficulty in maintaining them even if it were to elect to do so at its own expense and service at best would be subject to too great a number of interruptions under such conditions. The practical solution to such a problem is the acquisition and ownership by applicant of all lines used by it in rendering service to its subscribers; the responsibility for proper maintenance would then also fall upon applicant; and an improvement in service might be expected as a result of such centralization of responsibility.

Although a plan for ultimate sole ownership of outside plant facilities should be immediately formulated by applicant, it does not appear that the financial condition of applicant will permit of it acquiring branch lines which are not constructed along roads, even on the most favorable terms, due to the cost of maintenance of such lines. Pending proper reconstruction of such branch lines it will be necessary for applicant to protect the service to the subscribers of any particular line by keeping the line clear of branches which, by their liability to becoming faulty, jeopardize the service to all stations connected to the line. The order following will set forth a rule covering procedure of applicant in such cases.

Revenue of applicant at the present time is derived from exchange rentals and the proceeds resulting from the application of a one-way toll charge. For a flat monthly charge of $1.50 per station, a subscriber is permitted an unlimited use of Paso Robles exchange service when originating messages from his station. However, any person, whether or not a subscriber, is charged twenty-five cents (25¢) per message for use of any of applicant's lines when such message originates at a Pacific Company station in Paso Robles. The Pacific Com-

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pany receives from the moneys paid by applicant's subscribers in the form of exchange rentals an amount of $7.20 per year for a business service station and $3.60 for a residence station subject to a minimum charge per circuit. In addition, the Pacific Company receives a commission of fifteen per cent (15%) of the gross tolls collected for applicant as a collection commission. Estimated gross revenue of applicant for the calendar year 1926 under the application of present rates and service connection charges amounts to $2,535, of which $1,925 are exchange revenues, and $610 are toll revenues. An examination of applicant's records, covering a period of several years, did not indicate that an appreciable increase, if any, in the number of stations served by applicant would occur in the immediate future and accordingly no increase is contemplated in the above computations. Applicant's estimated payments for the year to the Pacific Company for switching and collection commissions amount to $469.50, leaving a revenue, less deductions, to applicant of $2,065.50.

Reasonable operating expenses including an allowance for depreciation for the year 1926 are estimated to be $2,261, to which should be added an allowance for taxes and uncollectibles in the amount of $131, making a total for expenses, taxes and other deductions from income of $2,392.

It is apparent that applicant is entitled to an increase in rates and while no objection was raised at the hearing to an increase in exchange rentals, provided adequate service was rendered, considerable opposition was expressed to the continuance of the twenty-five cent (25¢) one-way toll charge. Applicant proposes to eliminate this toll charge and compensate itself by increasing flat exchange charges to those subscribers located a considerable distance from Paso Robles through a zoning basis. Rates proposed by applicant range from a minimum of $2.20 for residence wall set in zone 1 to a maximum of $3.65 for business desk set in zone 2. Station rates as set forth in the following order vary from a minimum of $2 per month to a maximum of $3 per month. It appears that the rates herein authorized will yield applicant the revenue to which it is entitled.

ORDER.

Paso Robles and Shandon Telephone Company, applicant in this proceeding, having requested this Commission to make its order authorizing it to revise or raise its rates, to file rules and regulations governing service and maps showing area served by it, a hearing having been held, the matter being submitted and now ready for decision:

The Railroad Commission of the State of California hereby finds as a fact that the rates now being charged by applicant in so far as they

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differ from the rates hereinafter set forth are unjust and unreasonable and that the rates herein established and set forth in Exhibit "A" attached hereto are just and reasonable.

Basing its order on the foregoing findings of fact and on such other findings and statements of fact as are set forth in the opinion preceding this order;

It is hereby ordered, that Paso Robles and Shandon Telephone Company shall:

(1) Charge and collect the rates for exchange telephone service set forth in Exhibit "A" attached hereto for service furnished on and after January 1, 1926.

(2) File with the Railroad Commission on or before December 31, 1925, the rates set forth in Exhibit "A" attached hereto.

(3) File with the Railroad Commission on or before December 31, 1925, a map showing territory served by it as shown on Exhibit "B" attached hereto.

(4) File with the Railroad Commission on or before December 31, 1925, rules and regulations governing telephone service furnished on and after January 1, 1926, as set forth in Exhibit "C" attached hereto.

(5) Cancel, effective for service rendered on and after January 1, 1926, its toll rate schedule.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this twenty-third day of December, 1925.

EXHIBIT "A."

RATE SCHEDULE.

Exchange Service—Schedule No. A-1.

Suburban Service.

Applicable to flat rate suburban party line exchange service of not more than ten (10) parties per circuit throughout zones 1 and 2.

Rate.

(a) Station Rate.

	Rate per month per station			
	Business service		Residence service	
Suburban service	Wall set	Desk set	Wall set	Desk set
Zone 1	$2 25	$2 50	$2 00	$2 25
Zone 2	2 75	3 00	2 50	2 75

(b) Switching Rate.

This rate is The Pacific Telephone and Telegraph Company's rate in effect in its Paso Robles exchange.

Conditions.

(1) The total charge will be the sum of the charges determined upon above rates (a) and (b).

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EXHIBIT "B."

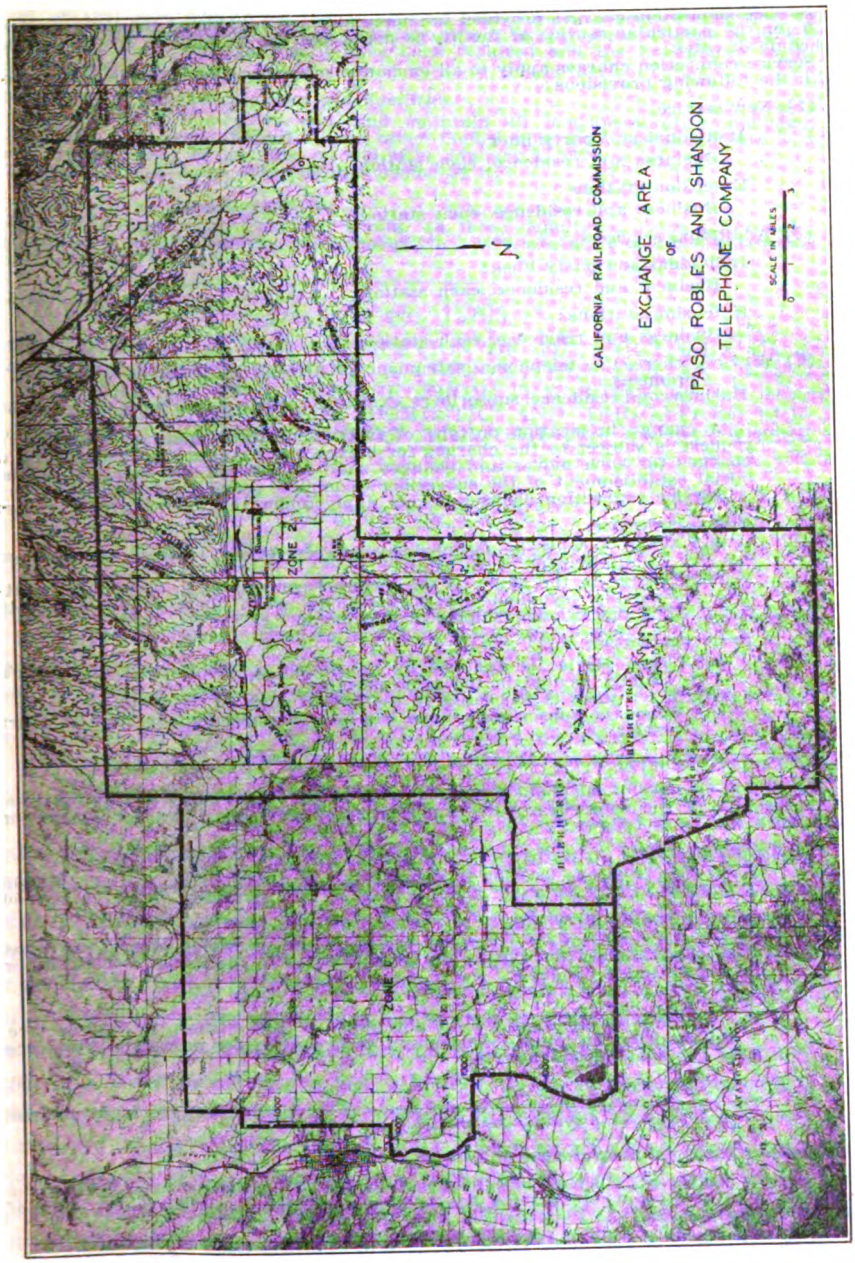

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EXHIBIT "C."

RULES AND REGULATIONS GOVERNING TELEPHONE SERVICE.

A. *Service Connection Charges.*

Service connection charges provided for hereunder are payable at the time application for the particular service or facility is made and are in addition to the regular schedule of rates.

Service connection charges apply to all exchange service and facilities in accordance with the following provisions:

(1) New service.

Individual and party lines:
Business and residence, each station $3 50

Extension stations:
Business and residence, each station 1 50

(2) Additional service.

Individual and party lines:
Business and residence, each station 3 50

Extension stations:
Business and residence, each station 1 50

(3) Service where the telephone instrument is already in place on subscriber's premises.
Business and residence, subscribers' exchange service, one or more units 1 50

A change in location or type of instrumentalities made at subscriber's request is subject to the charges for moves and changes provided the total charges for such moves and changes shall not exceed the charges for the initial establishment of the subscriber's complete service and facilities.

Service connection charges do not apply under the following conditions:

Business service.

(a) When service is assumed by a receiver or trustee, executor or administrator of an estate.
(b) Change in the name of the business concern (*i. e.*, individual, partnership, syndicate or corporation) when there is no complete change in ownership or management.

Residence service.

(a) When service is assumed by a member of the former subscriber's family located in the same premises.
(b) When there is no change in the individuality of the recipient.
(c) When the subscriber's name has been changed by marriage or court order.

B. *Moves and Changes.*

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company and the charges for such work will be as follows:

(a) Telephone sets.
1. Moving from one location to another $3 00
2. Change in type or style 3 00

(b) Other equipment and wiring.
Charges for moving or changing of equipment or wiring other than that included under (a) will be an amount equal to the actual cost of labor and material involved.

(c) Maintenance.
The charges specified above do not apply if the changes or moves are initiated by the telephone company and required for proper maintenance of the equipment or service.

(d) Change in class of service.
The charges specified above do not apply if the changes are required because of a change of type, class or grade of service.

C. *Service Charge for Restoration of Service.*

A service charge of $1.00 may be made and collected by the company before the restoration of service, where service has been temporarily discontinued for any of the following reasons:

(a) Nonpayment of bills as required by the company's rules and regulations.
(b) To protect the company against fraud.
(c) For failure of subscriber to comply with the company's rules and regulations after service has been established.
(d) For any other reason for which the subscriber is responsible except a change in class, type or grade of service of location of facilities.

When a service has been permanently disconnected the above charge does not apply.

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D. *Discontinuance of Service.*

The company has the right to cease to render telephone service to a subscriber or subscribers served by means of a privately owned line by disconnection of such privately owned line at the point of its connection with the line of the company, if a fault on that privately owned line is causing interruption to service furnished to other subscribers not served by such privately owned line; and may refuse to reconnect such line until the fault shall have been repaired and the line placed in an operating condition.

E. *Ownership of Instrumentalities and Facilities.*

The company shall own, furnish, and maintain all instrumentalities, including inside wiring, protective apparatus, and other facilities used to provide service to a subscriber which may be installed on and after January 1, 1926.

The company maintains only facilities owned by it.

F. *Definitions, Rules and Regulations.*

Definitions, rules and regulations similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478, except as modified in sections A, B, C, D and E above.

DECISION NO. 15795.

IN THE MATTER OF THE APPLICATION OF THE SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING IT TO RETIRE FROM THE BUSINESS OF DISTRIBUTING WATER FOR DOMESTIC AND IRRIGATION PURPOSES AS A PUBLIC UTILITY THROUGH ITS MOUND WATER SYSTEM.

Application No. 11025.

Decided December 28, 1925.

SERVICE—WATER UTILITY—TO ABANDON.—Southern California Edison Company authorized to discontinue operation of its Mound water system.

E. W. Cunningham, for Applicant.

Edward Henderson, District Attorney of Ventura County, by *J. C. Hollingsworth*, for County of Ventura.

Drapeau, Orr and Gardner, by *L. C. Drapeau*, for the City of Ventura; and *Drapeau, Orr and Gardner*, by *L. C. Drapeau*, for George D. Power.

DECOTO, *Commissioner.*

OPINION.

Southern California Edison Company, applicant herein, requests authority to discontinue delivery of water through its Mound water system to public utility consumers served therefrom for any purpose whatsoever because of any obligation that may have heretofore rested on it to deliver water to said consumers as a public utility and to retire from the public utility water service in that specific district.

In support of its application, Southern California Edison Company alleges the rates in effect are not sufficient to pay operating expenses on the system; that the cost of operating the system is such that rates can not be made effective which will be reasonable for the service rendered and will result in a return to the company; that the system supplying said consumers, and certain holders of private rights to receive water from the system, has in general reached the end of its useful life, and that the wells and pipe system can not be used any longer for the delivery of water to its consumers and that it will be necessary to expend approximately $85,000 if the service now rendered

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is to be continued; that the consumers receiving service from said system under private rights are stockholders of the Mound Water Company and hold said rights under and by virtue of a contract dated February 1, 1907, between the Ventura County Power Company and the Mound Water Company, and that the demands under these private contracts, which are paramount to the public utility consumers' service, are such that the system has no excess capacity for delivering public utility service.

A public hearing in this matter was held in Ventura after all interested parties had been notified and given an opportunity to appear and be heard.

The Mound Water Company, a mutual company, was incorporated in 1904 for the purpose of furnishing water for irrigation to certain lands situated east of the town of Ventura. The plant and system constructed by this company was sold to the Ventura County Power Company in 1907, and thereafter has been operated as a public utility. The system, with certain extensions, was acquired by the Southern California Edison Company in November, 1917, through the purchase of the properties of the Ventura County Power Company. At the time of the sale of the system to the Ventura County Power Company, a contract was entered into between the Mound Water Company and the Ventura County Power Company providing for the delivery of 150 miner's inches of water at a rate of 25 cents per miner's inch day. The Supreme Court of the State of California has held that the stockholders of the Mound Water Company are entitled to receive as a private right, to the exclusion of all other persons receiving water from the system as public utility consumers, all water distributed through said system up to a flow of 150 miner's inches, as defined in the contract.

The evidence in this proceeding indicates that the water system constructed in 1904 is in a very run-down condition, that to continue service to the holders of private rights under the contract of 1907 and the public utility consumers will require a reconstruction of the major portion of the wells, pumping plant and piping system, at a cost estimated at $85,000; that for the past several years the company has failed to earn the operating expenses on the system by from $8,000 to $10,500 per year as compared with a gross revenue of between $8,100 and $9,200, and that it will be impracticable to increase rates to public utility consumers to an extent which would make the system pay operating expenses. It appears, further, that there are thirty-nine (39) public utility consumers on the system taking water for domestic purposes and that there have been four (4) consumers of surplus water for irrigation purposes during the past two or three years; that the main use of the system is supplying water for irrigation purposes to the consumers holding private rights under the 1907 contract, the record for the year 1924 showing that approximately 20 per cent of the revenue

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was from public utility service and that approximately 95 per cent of the water distributed was sold to holders of private rights. Of the thirty-nine (39) utility consumers, fifteen (15) are located within the city limits of Ventura and the city contemplates the taking over of the obligation to serve these consumers as conditions make the same possible. There is another public utility water system supplying the general territory covered by the mains of the Southern California Edison Company, known as the Saticoy Water Company, and it appears that by the extension of certain mains practically all of the remaining consumers could be served by the Saticoy Water Company. That company has expressed its willingness and ability to serve the largest consumer, the county hospital, and it would appear that connections can be made with that system to supply the other utility consumers of the Southern California Edison Company system outside of the city limits of Ventura, with the exception of one consumer located near the pumping plant of the Mound system who, it appears, has a well of his own and one located near the eastern city limits of Ventura and north of the Foothill road. The city representatives indicated it would take from one to two years for it to serve certain of consumers in the city. By extensions of certain mains temporary service to these can be given without great expense from the Saticoy Water Company's system.

The Southern California Edison Company served notice on the Mound Water Company, under date of March 31, 1925, to the effect in general that, on December 31, 1925, the Edison Company would convey back to the Mound Water Company all property comprising the Mound water system and cease deliveries of water under the contract of February 1, 1907, between the Mound Water Company and the Ventura County Power Company. It appears from an expression of the attorney for the Mound Water Company that that company is not averse to the taking back of the water system, provided it can be freed of any public utility obligations and if satisfactory arrangement with the Edison Company can be made.

I am convinced from the evidence that a solution of the problem can be worked out which should be to the benefit of all concerned and relieve the applicant of the obligation of maintaining service under the extreme conditions of loss which apparently will exist with the continuation of the present situation. With relatively small cost and little inconvenience to the consumers, practically all of the existing consumers can be supplied with water from either the Saticoy Water Company's system or the system of the city of Ventura. It would also appear that if the system is to be returned to the Mound Water Company, that company would probably rather have certain of the consumers retained on its system and it is possible that some arrangement might be worked out whereby certain of the present public utility consumers may become stockholders in the mutual water company to the extent of their domestic requirements.

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I recommend that the application be granted with the provision that the applicant submit to this Commission for its approval, on or before March 1, 1926, a plan whereby the public utility consumers now being served may be taken care of with reasonably comparable service to that now received.

ORDER.

Southern California Edison Company having applied to this Commission for an order authorizing it to retire from the business of distributing water for domestic and irrigation purposes as a public utility through its Mound water system, Ventura County, the Commission being now fully informed thereon and being of the opinion that the application should be granted;

It is hereby ordered, that Southern California Edison Company, a corporation, be and it is hereby authorized to discontinue on and after the first day of April, 1926, its public utility water service through its Mound water system in the vicinity of Ventura, Ventura County, and thereafter be relieved of its public utility obligations in connection therewith upon the condition that the Souhern California Edison Company shall have filed with this Commission, on or before March 1, 1926, a plan acceptable to this Commission, setting forth arrangements whereby the existing utility consumers may be assured of water service reasonably comparable with that now received, and have, by supplemental order, received approval thereof.

The foregoing opinion and order are hereby approved as the opinion and order of the Railroad Commission of the State of California.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this twenty-eighth day of December, 1925.

DECISION NO. 15800.

IN THE MATTER OF THE APPLICATION OF MT. LASSEN TRANSIT COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF CAPITAL STOCK.

Application No. 12191.

Decided December 28, 1925.

SECURITIES—STOCK—TO ISSUE.—Mt. Lassen Transit Company authorized to issue and sell at par $25,100 of common stock. Application denied in so far as it relates to $4,000 of said stock.

Harry A. Encell and *James A. Miller*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application Mt. Lassen Transit Company asks permission to

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issue and sell at par $29,100 of its common capital stock for the following purposes:

To finance in part the cost of the properties and business acquired from Geo. A. Scott pursuant to Decision No. 15129	$4,000 00
To pay for two new White trucks	17,200 00
To pay for one new Dodge truck	2,000 00
To pay for road construction	1,000 00
To pay legal expense	1,900 00
To pay for properties and business acquired from Geo. A. Scott pursuant to Decision No. 15047	3,000 00
Total	$29,100 00

By Decision No. 15129, dated July 3, 1925, in Application No. 11106, the Commission, among other things, authorized Geo. A. Scott, doing business under the firm name and style of Scott Stage Company, to transfer to Mt. Lassen Transit Company an automobile stage line operating between the California-Nevada state line and Susanville, Westwood, Canyon Dam, Greenville and Crescent Mills, and authorized Mt. Lassen Transit Company to issue $26,000 of stock to finance, in part, the cost thereof.

It appeared that the agreed purchase price between Geo. A. Scott and Mt. Lassen Transit Company was $30,000. Of this amount $4,000 was paid on April 30, 1925, the date of the agreement, and the balance was payable in installments, $16,000 on July 1, 1925, and $10,000 on November 1, 1925. When the petition, No. 11106, was made for the Commission's approval, authority was asked to issue only $26,000 of stock to take care of the balance of the agreed purchase price unpaid, that being the amount of the stock then authorized but unissued. The Commission in passing on the application gave consideration to the properties involved in the transaction and commented thereon as follows:

"The testimony of the secretary of Mt. Lassen Transit Company showed that in arriving at the purchase price of $30,000 to be paid Scott, nothing was allowed for good will or franchise value (the Mt. Lassen Transit Company paralleling his operations very closely), and that this sum was considered the value of the physical property. This consisted of two 18-passenger stages estimated at $7,000 each, and two 20-passenger stages now being constructed by Scott estimated at $8,000 each. Altogether, these items aggregate $30,000. One of the White stages was bought by Scott in July, 1922, for $8,700; about $1,000 has since been spent in repairs. The other White stage was bought in June, 1923, for $9,000, the subsequent repairs amounting to about $750. Both stages have been practically rebuilt in the shop and are in good condition; they have been operated only about one-half the time. Mr. Scott testified that materials and parts valued at about $5,000 were used in each of the cars which he is constructing; for labor, he would add one-third more, thus making the total cost of each car about $6,500. He asserted that he could not replace these cars in the market for the price asked. It was stated that these cars had been appraised at the prices agreed upon by the manager of the Redwood Lumber Company's garage at Westwood, who has had considerable experience in dealing with automotive equipment. The secretary of Mt. Lassen Transit Company testified that this equipment was necessary for the company's operations and if it had not been purchased from Scott the company would have been obliged to purchase similar equipment elsewhere. He also stated that the stock issue of $26,000 has been fully subscribed by some of the present stockholders of Mt. Lassen Transit Company, and that Mr. Scott will be promptly paid in cash. Of the agreed purchase price not over $26,000 should in our opinion be capitalized through the issue of stock or evidences of indebtedness. If more

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than $26,000 is paid by Mt. Lassen Transit Company for the Scott properties, the excess payment should be charged to the company's surplus account."

The company is now asking permission to capitalize the $4,000 paid in excess of the $26,000 of stock authorized by Decision No. 15129 and referred to in the preceding paragraph. The Commission gave full consideration in the former proceeding to the properties sought to be acquired from Geo. A. Scott (Application No. 11106) by Mt. Lassen Transit Company and stated that it did not believe that more than $26,000 should be capitalized through the issue of stock or evidences of indebtedness. The present request to issue an additional $4,000 of stock against these same properties, therefore, will not be allowed.

By Decision No. 15647, dated November 20, 1925, in Application No. 11787, the Commission authorized Geo. A. Scott to transfer to Mt. Lassen Transit Company for $3,000 an operative right for an automobile service for the transportation of passengers and baggage between Susanville and Doyle and intermediate points and a Pierce-Arrow fourteen-passenger stage. The $3,000 was payable to Geo. A. Scott in cash upon delivery of the property and applicant now asks permission to use the proceeds from $3,000 of stock to reimburse itself on account of this payment.

In addition to the rights and properties acquired from Geo. A. Scott, applicant acquired other rights and properties from Walter Gosney, under Decision No. 13651, dated June 5, 1924, from W. C. Lawrence, under Decision No. 14737, dated April 4, 1925, and from J. W. Houk and J. H. Smith, under Decision No. 15479, dated October 1, 1925. The company reports in this petition that its equipment was insufficient to give adequate and efficient service over its lines and that it has purchased two new White auto stages for $17,200, or $8,600 each, and a new Dodge truck, for handling express and freight, for $2,000. It also reports that during the six months ending October 31, 1925, it expended the sum of $2,426.39 for legal services and expenses in connection with the construction and acquisition of its properties and during August and September, the sum of $1,000 to help complete the roadway between Lassen Volcanic Highway and the Nevada State Highway. These expenditures the company seeks to finance in part through the issue of its stock. With the exception noted in this opinion we believe the application should be granted and accordingly will enter an appropriate order.

ORDER.

Mt. Lassen Transit Company having applied to the Railroad Commission for permission to issue and sell $29,100 of stock and the Commission being of the opinion that this is a matter in which a public hearing is not necessary and that the money, property or labor to be procured or paid for through the issue and sale of $25,100 of stock is

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reasonably required by applicant and that the request to issue $4,000 of stock should be dismissed without prejudice;

It is hereby ordered, that Mt. Lassen Transit Company be and it is hereby authorized to issue and sell at par, on or before June 30, 1926, $25,100 of its common capital stock and to use the proceeds for the following purposes:

a. To pay for two new White trucks	$17,200 00
b. To pay for one new Dodge truck	2,000 00
c. To pay for the road construction referred to in the foregoing opinion	1,000 00
d. To pay legal expense	1,900 00
e. To pay for the business and properties acquired from George A. Scott pursuant to Decision No. 15647	3,000 00
Total	$25,100 00

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the application, in so far as it involves the issue of $4,000 of stock be and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this twenty-eighth day of December, 1925.

DECISION No. 15806.

IN THE MATTER OF THE APPLICATION OF HIGHLAND DOMESTIC WATER COMPANY, A CORPORATION, FOR LEAVE TO ISSUE NOTE AND MORTGAGE.

Application No. 11904.

Decided December 29, 1925.

SECURITIES—NOTE—TO ISSUE.—Highland Domestic Water Company authorized to execute mortgage, and to issue a four-year note for $10,000, with interest at 7 per cent.

Wm. Guthrie, for Applicant.

BY THE COMMISSION.

OPINION AND ORDER.

In this application Highland Domestic Water Company, a corporation engaged in the business of producing, delivering and furnishing water for domestic and irrigation purposes in Highland, Riverside County, asks permission to execute a mortgage and to issue a promissory note for $10,000 payable on or before four years after date with interest at 7 per cent per annum.

The application shows that between October 1, 1924, and September

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30, 1925, the company expended for additions and betterments the following amounts:

Office building fixtures	$84 48
Pumping equipment	750 80
Distributing mains	1,448 13
Service connections	153 26
Meters and measuring devices	2,879 20
Wells	7,377 97
Total	$12,693 04

It is reported that the company has found it necessary to augment its source of supply, and that it has been engaged in drilling a new well. Up to September 30, 1925, applicant expended $7,377.97 for such purpose. In addition, it is estimated that $3,000 will have to be expended to complete the well.

The testimony shows that the company has issued $7,500 of short-term notes to finance in part the expenditures of $12,693.04, referred to above. It asks permission to use the proceeds to be obtained from the issue of the $10,000 note herein applied for to pay the $7,500 of notes and to finance in part the cost of completing the well now under construction.

A public hearing in this matter was held before Examiner Fankhauser. The Commission has considered applicant's request and is of the opinion that the money, property or labor to be procured or paid for through the issue of the note is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income; therefore,

It is hereby ordered, that Highland Domestic Water Company be and it is hereby authorized to execute a mortgage substantially in the same form as that filed in this proceeding and to issue its promissory note for $10,000 payable on or before four years after date, with interest at not exceeding 7 per cent per annum, and to use the proceeds obtained through the issue of such note to pay outstanding indebtedness and to finance in part the cost of the construction work, to which reference is made herein.

The authority herein granted is subject to the following conditions:

1. The authority herein granted will become effective when applicant has paid the minimum fee prescribed by section 57 of the Public Utilities Act, which fee is $25.

2. Applicant shall keep such record of the issue and delivery of the note herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-ninth day of December, 1925.

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Decision No. 15807.

IN THE MATTER OF THE APPLICATION OF PICKWICK STAGES SYSTEM, A CORPORATION, FOR AN ORDER PERMITTING IT TO ISSUE THREE HUNDRED THOUSAND DOLLARS OF EQUIPMENT TRUST CERTIFICATES.

Application No. 12067.

IN THE MATTER OF THE APPLICATION OF PICKWICK STAGES SYSTEM, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF CAPITAL STOCK IN THE SUM OF THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS.

Application No. 12068.

Decided December 29, 1925.

SECURITIES—STOCK—EQUIPMENT TRUST CERTIFICATES—TO ISSUE.—Pickwick Stages System having applied to the Commission for authority to issue $325,000 of common stock and $300,000 of equipment trust certificates, the Commission authorizes the issuance of $175,000 of common stock and $150,000 of 7 per cent equipment trust certificates.

Warren E. Libby, for Applicant.

BY THE COMMISSION.

OPINION.

At the hearing had on December 21st, before Examiner Fankhauser, the above numbered applications were consolidated for hearing and decision.

In Application No. 12067, applicant asks permission to assume obligations involving the payment of $300,000 of 7 per cent serial equipment trust certificates. Applicant intends to sell the certificates at not less than 95 per cent of the face value thereof. The certificates are to be dated December 1, 1925, and are to mature as follows:

December 1, 1927	$60,000 00
December 1, 1928	60,000 00
December 1, 1929	60,000 00
December 1, 1930	60,000 00
December 1, 1931	60,000 00

In Application No. 12068, applicant asks permission to issue and sell at par $325,000 of common stock.

Reference will hereafter be made to the purposes for which applicant asks authority to expend the proceeds obtained from the sale of the equipment trust certificates and stock.

In its Exhibit No. 1, applicant reports assets and liabilities as of October 31, 1925 as follows:

Assets.

Plant and equipment	$721,449 22
Cash	20,467 48
Bills receivable	305 03
Accounts receivable	54,056 05
Inter-company accounts	78,220 40
Agents and office accounts	9,161 59

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Materials and supplies	$76,910 07
Prepayments	18,748 92
Other debit accounts	43,779 99
Treasury stock	94,000 00
Total assets	$1,117,098 75

Liabilities.

Capital stock	$500,000 00
Funded debt	236,000 00
Notes payable	458 43
Accrued liabilities not due	8,709 12
Accounts payable	43,534 19
Other debit accounts	17,656 17
Reserve for depreciation	38,295 86
Surplus	68,880 67
Unapportioned earnings	203,564 31
Total liabilities	$1,117,098 75

It is of record that applicant on or before December 31, 1926, will have to expend about $601,250 for the following new equipment:

Ten 30-passenger inter-city type stages at $11,000 each	$110,000 00
Eight parlor buffet type stages at $15,000 each	120,000 00
Fourteen 22-passenger inter-city type stages, with individual seats, at $10,000 each	140,000 00
Fifteen 18-passenger inter-city type stages at $9,000 each	135,000 00
Nine 14-passenger inter-city type stages at $8,250 each	74,250 00
Two 28-passenger pay-as-you-enter type stages at $11,000 each	22,000 00
Total	$601,250 00

Of this equipment, six 30-passenger inter-city stages costing $66,000 and four 22-passenger inter-city stages costing $40,000 are now ready for delivery. The testimony shows that equipment costing about $300,000, including that just mentioned, will have to be acquired on or before June 30, 1925. The order herein will authorize the issue and sale of $175,000 of stock and the assumption of obligations involving the payment of $150,000 of equipment trust certificates. The issue and disposition of the remainder of the stock and equipment trust certificates will, upon request of applicant, be considered in a supplemental order.

ORDER.

Pickwick Stages System, a corporation, having applied to the Railroad Commission for permission to issue $325,000 of common stock, and assume obligations involving the payment of $300,000 of equipment trust certificates, a public hearing having been held and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of $175,000 of stock and the assumption of obligations involving payment of $150,000 of equipment trust certificates payable on or before December 1, 1930, is at this time reasonably required by applicant, and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expense or to income;

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It is hereby ordered, that Pickwick Stages System be and it is hereby authorized to issue, at not less than par, $175,000 of common stock.

It is hereby further ordered, that Pickwick Stages System be and it is hereby authorized to execute and enter into an equipment trust agreement and a lease agreement substantially in the same forms as Exhibit "B" and Exhibit "C," filed in Application No. 12067, and to assume or guarantee the payment of not exceeding $150,000 of 7 per cent serial equipment trust certificates payable on or before December 1, 1930, referred to in said Exhibits "B" and "C," the issue of which is hereby authorized.

The authority herein granted is subject to further conditions as follows:

1. The equipment trust certificates which are herein authorized to be issued shall be sold at not less than 95 per cent of their face value plus accrued interest, and the proceeds obtained from the sale of such equipment trust certificates, other than the accrued interest, and the proceeds obtained from the sale of the stock herein authorized to be issued shall be used by applicant to pay in part the cost of equipment to which reference is made in the foregoing opinion. The accrued interest may be used for general corporate purposes.

2. The authority herein granted to execute an equipment trust agreement and a lease agreement is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of such equipment trust agreement and lease agreement as to such other legal requirements to which said equipment trust agreement and lease agreement may be subject.

3. Within thirty days after the execution of the equipment trust agreement and lease agreement, applicant shall file with the Commission certified copies of such equipment trust agreement and lease agreement.

4. Applicant shall keep such record of the issue and sale of the stock and of the equipment trust certificates herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

5. From time to time, as applicant acquires equipment through the use of the proceeds obtained from the sale of stock and equipment trust certificates herein authorized to be issued, it shall file with the Railroad Commission a description of the equipment so acquired.

6. The authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $150.

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Under the authority herein granted, no stock or equipment trust certificates may be issued after June 30, 1926.

Dated at San Francisco, California, this twenty-ninth day of December, 1925.

DECISION NO. 15812.

IN THE MATTER OF THE APPLICATION OF HARBOR TUG AND BARGE COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND FOR AUTHORITY TO ISSUE STOCK.

Application No. 11710.

Decided December 29, 1925.

JURISDICTION—CERTIFICATE—CARRIER BY WATER—STOCK—TO ISSUE—FOREIGN CORPORATION.—Harbor Tug and Barge Company, a foreign corporation, having applied for a certificate to operate a general launch, barge and towboat business on the inland waters of California, including the business of a like nature now being operated by the American Dredging Company and Henry C. Peterson, Inc., and to issue $500,000 of 7 per cent cumulative preferred stock, and $100,000 of common stock, the Commission dismissed the application for want of jurisdiction.

Dunne, Brobeck, Phleger and Harrison, by *Gregory C. Harrison*, and *George E. Crothers*, for Applicant.

BY THE COMMISSION.

OPINION.

Applicant, Harbor Tug and Barge Company, a Delaware corporation, asks for a certificate declaring that present and future public convenience and necessity require and will require operation by applicant of a general launch, barge and towboat business, including the launch, barge and towboat business now owned and operated by the American Dredging Company and Henry C. Peterson, Incorporated; also for permission to issue $600,000 of stock ($500,000 7 per cent cumulative preferred and $100,000 of common).

A public hearing upon the above entitled application was held before Examiner Fankhauser on November 9, 1925, at which time the matter was duly submitted and is now ready for decision.

At the outset we are confronted with the proposition whether or not applicant, admittedly a foreign corporation, can be permitted to carry on a public utility business in this state. Section 26 of the Public Utilities Act provides as follows:

> No foreign corporation, other than those which by compliance with the laws of this state are entitled to transact a public utility business within this state, shall henceforth transact within this state any public utility business, nor shall any foreign corporation which is at present lawfully transacting business within this state henceforth transact within this state any public utility business of a character different from that which it is at present authorized by its charter or articles of incorporation to transact, nor shall any license, permit or franchise to own, control, operate or manage any public utility business or any part or incident thereof be henceforth granted or transferred, directly or indirectly, to any foreign

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corporation which is not at present lawfully transacting within this state a public utility business of like character: provided, that foreign corporations engaging in commerce with foreign nations or commerce among the several states of this union may transact within this state such commerce and intrastate commerce of a like character.

Applicant's position is that it falls within the proviso of the above section by reason of the fact that it is to engage in interstate and foreign commerce, and that therefore it will be entitled to transact intrastate commerce of a like character to such interstate and foreign commerce.

The certificate of public convenience and necessity herein requested is for authority to engage in the following:

(1) A general towage business consisting in towing:

(a) Ships, barges and craft of all descriptions in and about the waters hereinbefore described between points within the State of California and elsewhere;

(b) Ocean-going steamships engaged in interstate and foreign commerce to and from docks, wharves, dry docks and points of destination on the arrival of said steamships to and their departure from San Francisco and between points in and about the said bay of San Francisco.

(2) The rendition of salvage service of every description.

(3) The chartering or rental of launches, barges, towboats and other craft to others.

(4) The transportation of goods on barges owned by your petitioner and towed by your petitioner's tugs:

(a) Between points on the Pacific coast involving in some cases, voyages beyond the three-mile limit and over foreign waters;

(b) From steamships engaged in interstate and foreign commerce, from ships tackle to bay points and elsewhere, on bills of lading to destinations reached by your petitioner;

(c) From bay points to ships engaged in interstate and foreign commerce where the company's shipments will initiate transportation to other states or abroad;

(d) Between points within the State of California.

(5) The transportation of passengers to and from ships departing for points abroad and to other states and from ships arriving from abroad and other states, including both passengers thereof and the crews thereof; also the transportation of passengers in coastwise traffic involving voyages on the high seas and beyond the three-mile limit and also between points within this state, but upon no regular route in any case, and only upon special request and by special contract.

(6) The transportation of crews of vessels of war of the United States of America and of other countries and other ships and vessels of the United States Navy and other departments of the government of the United States between such war and other vessels and the shore and, in general, in transportation of property of the government of the United States.

(7) The coaling and fueling of ships, particularly those engaged in interstate and foreign commerce and in coaling and fueling vessels of war and other vessels of the United States government.

The proviso of section 26 clearly signifies that a foreign corporation engaged in interstate and foreign commerce may, as a matter of right, also engage in intrastate commerce of a like character with such interstate and foreign commerce, and, therefore, the granting or denying of a certificate of public convenience and necessity for such intrastate commerce is not within our power. The application for a certificate of public convenience and necessity, in so far as it relates to these operations, should therefore be dismissed for want of jurisdiction.

However, as set forth in the petition and as disclosed by the record, the applicant desires to take over and carry on the business heretofore

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conducted by the American Dredging Company and Henry C. Peterson, Incorporated, and the application for a certificate of public convenience and necessity requests authority to transact this business. Both of these companies are public utilities operating under the jurisdiction of this Commission and have rate schedules on file which permit them to engage in a general launch and barge business. Applicant's petition requests that it be authorized to conduct a general launch, barge and towboat business on the inland waters of this state without regard to its operations involving commerce with foreign nations and commerce among the several states. Inasmuch as it is a foreign corporation, as to these operations which are not of a like character with the interstate and foreign commerce to be carried on by applicant, the application for certificate of public convenience and necessity should also be dismissed for want of jurisdiction. There is an absolute prohibition under section 26 forbidding foreign corporations from carrying on operations of this character.

In view of our conclusion that the application for a certificate of public convenience and necessity should be dismissed for want of jurisdiction, and further in view of the fact that applicant is a foreign corporation, we believe that the application for permission to issue stock should also be dismissed. An order will be entered accordingly.

ORDER.

Harbor Tug and Barge Company, a foreign corporation, having made application for a certificate of public convenience and necessity to carry on a general launch, barge and towboat business in the State of California, and also for permission to issue stock, a public hearing having been held thereon and the matter having been submitted, and the Commission being of the opinion that application should be dismissed;

It is hereby ordered, that the above entitled application be and the same is hereby dismissed.

Dated at San Francisco, California, this twenty-ninth day of December, 1925.

DECISION NO. 15814.

IN THE MATTER OF THE APPLICATION OF SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA FOR AUTHORITY TO ISSUE AND SELL TWO MILLION FIVE HUNDRED THOUSAND DOLLARS PAR VALUE OF ITS GENERAL AND REFUNDING MORTGAGE GOLD BONDS "SERIES 1945" AND TO SECURE SAME BY EXECUTING AND DELIVERING A NEW MORTGAGE AND TRUST DEED UPON ALL OF THE COMPANY'S PROPERTIES.

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Application No. 12283.
Decided December 30, 1925.

SECURITIES—BONDS—TO ISSUE.—Southern Counties Gas Company of California authorized to issue and sell $2,500,000 of its twenty-year 6 per cent general and refunding mortgage bonds.

Leroy M. Edwards, for Applicant.

BY THE COMMISSION.

OPINION.

Southern Counties Gas Company of California has applied to the Railroad Commission for an order authorizing it to execute a new mortgage, to be designated its general and refunding mortgage, and to issue and sell, at 96, $2,500,000 of twenty-year 6 per cent bonds secured thereby for the purpose of financing the cost of extensions, betterments and improvements.

The company's outstanding bonded indebtedness, as of October 31, 1925, is reported at $8,701,800, consisting of $8,267,100 of first mortgage 5½ per cent bonds, due 1936, and $434,700 of 8 per cent collateral trust bonds, due 1930. The first mortgage bonds are part of an authorized issue of $10,000,000, of which $8,267,100 are outstanding, $606,000 are pledged to secure the payment of the collateral trust bonds, $546,000 have been canceled, and $580,900 have not yet been certified. The $434,700 of collateral trust bonds are all that remain outstanding of an original issue of $1,000,000. These bonds are convertible, at the option of the holders, into first mortgage bonds on the basis of first mortgage bonds at 85 for collateral trust bonds at par. The hypothecated bonds, if not so exchanged, will be returned to the company's treasury as the collateral trust bonds are paid and thereafter not disposed of except as authorized by the Commission.

The new mortgage to be executed is of the open-end type. The first series of bonds will be designated "Series 1945," will be dated November 1, 1925, bear interest at 6 per cent, mature November 1, 1945, and be callable on any interest payment date up to and including the year 1935 at 103, and thereafter on any interest payment date at a premium computed at the rate of one-half of 1 per cent for each year of the unexpired term. Applicant has made arrangements to sell $2,500,000 of Series 1945 bonds at 96.

The company intends to use the proceeds, $2,400,000, to be received from the sale of its bonds to finance the cost of permanent extensions, betterments and improvements to its plants and properties. In a former proceeding, Application No. 10583, filed October 29, 1924, it reported uncapitalized construction expenditures, as of September 30, 1924, at

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$267,670.63. It now reports that from October 1, 1924, to October 31, 1925, its capital expenditures aggregated $3,149,211.96, the total of the two amounts being $3,416,882.59. This item is segregated as follows:

Uncapitalized balance September 30, 1924		$267,670 63
Expenditures October 1, 1924, to October 30, 1925:		
Orange County district	$319,282 10	
Whittier district	52,387 66	
Pomona district	222,181 65	
Monrovia district	172,444 75	
San Pedro district	149,381 52	
Santa Monica district	510,563 42	
Santa Barbara district	157,511 90	
Ventura district	178,669 66*	
Pipe line district	1,707,627 69	
General	36,500 93	
		3,149,211 96
Total		$3,416,882 59

*Credit.

By Decision No. 14717, dated March 28, 1925, the Commission authorized the company to issue and sell $1,250,000 of 7 per cent preferred stock. Up to October 30, 1925, reports filed by the company show that $1,186,600 of the stock authorized by the decision had been issued and that the company had received and expended $1,218,564. Deducting this amount from the total expenditures of $3,416,882.59 leaves a balance of $2,198,318.59 not provided through the issue of the stock or bonds.

In addition to the expenditures referred to in the foregoing paragraphs, the company reports that during the ensuing year it will be called upon to expend approximately $1,500,000 for additions and betterments to extend and improve its service.

ORDER.

Southern Counties Gas Company of California having applied to the Railroad Commission for permission to execute a mortgage and to issue bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through the issue and sale of the bonds is reasonably required for the purposes specified herein and that the expenditures for such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income:

It is hereby ordered, that Southern Counties Gas Company of California be and it is hereby authorized to execute a mortgage or deed of trust substantially in the same form as that filed in this proceeding and marked "Exhibit C," and to issue and sell, at not less than 96 per cent of face value plus accrued interest, $2,500,000 of its twenty-year 6 per cent general and refunding mortgage bonds.

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The authority herein granted is subject to the following conditions:

1. Applicant may use the proceeds to be received from the issue and sale of the bonds herein authorized to finance such cost of extensions, betterments and improvements made prior to October 31, 1925, and referred to in the foregoing opinion as have not heretofore been financed through the issue of stock, and, through such financing, reimburse its treasury on account of income expended for said additions, betterments and improvements, or pay indebtedness incurred for said purposes, and to finance construction expenditures not otherwise capitalized or provided for, to be made subsequent to October 31, 1925, and during the year 1926, provided that only such expenditures as are properly chargeable to fixed capital accounts as defined by the uniform system of accounts prescribed or adopted by the Railroad Commission may be financed with such bond proceeds.

2. The authority herein granted to execute a mortgage or deed of trust is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said mortgage or deed of trust as to such other legal requirements to which said mortgage or deed of trust may be subject.

3. The authority herein granted to issue bonds will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $1,750. Under such authority no bonds may be issued or sold after June 30, 1926.

4. Applicant shall keep such record of the issue and delivery of the bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

5. Applicant shall file with the Commission monthly statements showing its expenditures for extensions, betterments and improvements during the period from November 1, 1925, to December 31, 1926, and shall file as soon as available a copy of its 1926 construction budget.

Dated at San Francisco, California, this thirtieth day of December, 1925.

DECISION NO. 15815.

IN THE MATTER OF THE APPLICATION OF TWIN CITIES GAS COMPANY, FOR AN ORDER AUTHORIZING IT, (1) TO ACQUIRE CERTAIN PROPERTIES; (2) TO ISSUE SECURITIES.

Application No. 12065.

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Decided December 30, 1925.

SECURITIES—BONDS—TO ISSUE.—Twin Cities Gas Company authorized to issue and sell $34,000 of first mortgage 6 per cent bonds, due 1939, and use proceeds to pay for gas plants and properties located in Hemet and San Jacinto, and for extensions and betterments, and reimburse its treasury.

Gibson, Dunn and Crutcher, by *S. M. Haskins*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application, as amended, Twin Cities Gas Company asks the Railroad Commission to make an order authorizing it to issue and sell, at not less than 90 per cent of face value and accrued interest, $34,000 of its first mortgage 6 per cent bonds, due 1939, for the purpose of paying for certain gas plants and properties, of providing for additions to and betterments of such plants and properties, and of reimbursing its treasury on account of additions to and betterments of the plants and properties it now operates.

Twin Cities Gas Company at present is engaged in the business of generating and selling gas in the cities of Beaumont and Banning, Riverside County. It now proposes to extend its operations through the acquisition of the gas plants and properties located in the cities of Hemet and San Jacinto. These plants and properties were originally operated by Hemet-San Jacinto Gas Company but were transferred, in 1917, to Southwestern Gas Company. The latter company continued the operations until 1920 when the properties passed into the hands of a receiver, Mr. J. O. Percival. Recently, it appears, they were sold under direction of the United States Bankruptcy Court to Twin Cities Gas Company for $14,700, free and clear of all indebtedness and encumbrances.

The properties comprising the Hemet and San Jacinto system have been involved in a number of rate proceedings before the Commission. In Decision No. 4911, dated November 30, 1917, and in Decision No. 5866, dated October 22, 1918, the Commission fixed rates to be charged, using as a base the sum of $40,000 which was said to represent the estimated investment in the properties as determined by the Commission's engineering department. Later, by Decision No. 7602, dated May 18, 1920, the Commission again adjusted the rates, using as a rate base the sum of $41,650, which consisted of the original estimate of $40,000 plus additions and betterments. The value as of December 1, 1925, is now estimated by applicant at $43,650, which represents the 1920 rate base of $41,650 plus additions and betterments of $2,000 made subsequent thereto. The depreciated value is estimated at $28,950.

Having acquired the Hemet and San Jacinto properties, applicant plans to expend $12,228 in making extensions, additions, betterments

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and improvements so as to enable it to give adequate service in these two communities. It is reported that at one time 500 consumers were served by the Hemet-San Jacinto system but that now there are only about 280 consumers. With the plants rehabilitated, however, it is thought that this number can be increased to 450 during the first year and to 500 thereafter.

In addition to buying the gas plants and properties, to which reference has been made, and financing the cost of extensions, additions, betterments and improvements, applicant desires to finance in part the cost of additions and betterments of its own plants and properties in Beaumont and Banning. The petition shows that the company has expended $5,197 in improving and extending its facilities, and that it now seeks to reimburse its treasury, in part, on that account. It appears, however, that a portion of these expenditures was financed with borrowed money, and not with surplus earnings, so that the order herein will also permit the company to use bond proceeds to pay indebtedness incurred in making the expenditures of $5,197.

In Exhibit "A," attached to the application, the purposes for which the company intends to use its bond proceeds, as outlined above, are shown in some detail as follows:

Bid price of Hemet-San Jacinto properties		$14,700 00
Improvements and additions thereto:		
Production:		
2 steel 10′ x 10′ purifiers	$1,500 00	
2 concrete lampblack separators	430 00	
1 Sturtevant blower set	500 00	
1 compressor	750 00	
1 oil pump	100 00	
1 boiler feed pump	100 00	
1 45-h.p. boiler	1,200 00	
Miscellaneous oil, steam and air lines	150 00	
Engineering and contingencies	473 00	
		5,203 00
Distribution:		
7500′ 2″ mains at $0.35	$2,450 00	
100 new services at $15	1,500 00	
150 new meters at $12	1,800 00	
Engineering and contingencies	575 00	
		6,325 00
Miscellaneous		700 00
Total for Hemet-San Jacinto properties		$26,928 00
Reimbursement of applicant's treasury:		
Furnaces, boilers, etc.	$1,433 00	
Booster equipment	973 00	
Mains	1,876 00	
Services	540 00	
Meters	270 00	
Miscellaneous	125 00	
		5,197 00
Total both systems		$32,125 00

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We have given consideration to the application and believe that public convenience and necessity will be served by the acquisition of the Hemet and San Jacinto gas systems by applicant. An appropriate order accordingly will be entered.

ORDER.

Twin Cities Gas Company having applied to the Railroad Commission for permission to issue and sell $34,000 of bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue and sale of bonds is reasonably required for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that Twin Cities Gas Company be and it is hereby authorized to issue and sell, on or before June 30, 1926, at not less than 90 per cent of face value plus accrued interest, $34,000 of its first mortgage 6 per cent bonds, due 1939, and to use the proceeds to pay for the gas plants and properties located in Hemet and San Jacinto, to pay for extensions, additions and betterments and improvements thereto, and to reimburse its treasury and to pay outstanding indebtedness incurred in making additions and betterments to its plants and properties now owned by it, all as described in the foregoing opinion.

The authority herein granted is subject to the following conditions:

1. Applicant shall keep such record of the issue, sale and delivery of the bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. Applicant shall file with the Commission a copy of the journal entry made to record the purchase of the gas plants and properties at Hemet and San Jacinto.

3. The authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $34.

Dated at San Francisco, California, this thirtieth day of December, 1925.

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DECISION NO. 15817.

IN THE MATTER OF THE APPLICATION OF KEY SYSTEM TRANSIT COMPANY, A CORPORATION, FOR AN ORDER READJUSTING RATES AND ESTABLISHING JUST AND REASONABLE RATES FOR THE TRANSPORTATION OF PERSONS AND PROPERTY BETWEEN POINTS ON THE COMPANY'S LINES IN THE STATE OF CALIFORNIA.

Application No. 11329.

Decided December 31, 1925.

RATES—ELECTRIC RAILWAY—INTERURBAN AND LOCAL.—Finding that an emergency exists requiring an immediate increase in the revenues of Key System Transit Company to the amount of approximately $860,000 a year, the Commission authorizes applicant to increase the local railway fare from 6 to 7 cents; to increase the single fare from East Bay points to San Francisco from 18 cents to 21 cents, and the monthly commutation rate from $4.80 to $5.20 per month; and to increase other commutation fares between points in the East Bay district 8⅓ per cent, and fixed the Richmond-San Francisco commutation rate at $6.50 per month. Said increases are granted on the distinct understanding that the rates herein are temporary, and pending action by the Commission on the utility's general rate application now before the Commission; and are further conditioned upon the utility agreeing to carry out a program of improvement of its local and interurban service, costing approximately $9,000,000, and agreeing to complete the same within a period of two years.

Dunne, Brobeck, Phleger and Harrison, for Key System Transit Company.
G. V. Shoup and *C. W. Durbrow*, for the Southern Pacific Company.
Leon Gray, City Attorney, for the City of Oakland.
W. J. Locke, City Attorney, for the City of Alameda.
E. J. Sinclair, City Attorney, and *John N. Edy*, City Manager, for the City of Berkeley.
D. J. Hall, City Attorney, for the City of Richmond.
G. N. Richardson, for the City of Piedmont.
Thomas W. Girbey, for the Town of Emeryville.
C. W. White, for the Town of Hayward.

SEAVEY, SQUIRES and DECOTO, *Commissioners*.

INTERLOCUTORY OPINION.

In the above entitled application, which was filed on June 27, 1925, Key System Transit Company asked for an investigation into its rate and service schedules and an order authorizing it to establish and collect such urban and interurban terminal and passenger rates and such freight rates as should be found to be just and reasonable. Public hearings were held on this matter on August 25, September 21, 22 and 23, October 16, 17, 19, 28, 30, and November 3, 1925. At the hearing on the latter date, the matter was continued until February 3, 1926, for the purpose of giving the protestants, as well as the engineering and accounting staff of the Commission, an opportunity to make a thorough-going investigation into this matter.

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On December 10, 1925, the applicant filed its supplemental application in this proceeding, asking for interim rates, alleging that an emergency exists for the five following reasons:

(a) That on December 2, 1925, a board of arbitration, appointed pursuant to an agreement between applicant and platform employees, made an award, granting a wage increase to its platform employees of more than $500,000 per annum.

(b) That applicant is under urgent necessity of issuing $2,500,000 of first mortgage bonds in order to refund unsecured indebtedness and reimburse its treasury for capital expenditures already made, which will increase its annual interest charges approximately $150,000 per year.

(c) That applicant's program for improvement and replacement of traction facilities will require an expenditure of more than $7,000,000, which will require the borrowing of money in the near future and the payment of interest thereon.

(d) That applicant, under present rates and with the new wage scale in effect, will not earn its fixed charges.

(e) That applicant, under present rates, will be forced to pass a dividend upon its prior preferred stock, which was issued to bondholders of predecessor companies, thus irreparably damaging its credit, and that applicant must, in the near future, finance additions and betterments out of the sale of its prior preferred stock, and that a default in the dividend on this security will damage applicant's credit.

At public hearings, held on December 23 and 24, 1925, applicant introduced evidence in support of its supplemental application and contended that it was in urgent necessity of having its revenues increased to take care of the emergency claim to the extent of approximately $900,000 per annum, and applicant proposed that in order to produce this additional revenue the local street car fares on its traction division be increased to 7 cents and that its single-trip transbay fares be increased to 22 cents and that its monthly commutation transbay rate be increased to $6.

The protestants did not contest the validity of the company's claim of needing its revenues increased to the extent of the wage award, but contended that all the other claims were matters properly to be determined as part of the issues of the main case in the above entitled application.

We have given careful consideration to all the evidence that has thus far been presented in the main case, as well as the evidence that has been presented in connection with the supplemental application for interim rates, and we are convinced that an emergency does exist which demands an immediate augmentation of the revenues of this applicant. On the one hand, we do not concur with all of the contentions as to the nature and extent of this emergency as claimed by applicant, nor, on the other hand, do we concur with the protestants that the immediate need for additional revenue is restricted solely to that necessary to pay the additional wages that have been awarded the men, effective January 1, 1926. It is our conclusion that there are two outstanding reasons why additional revenue must be provided for this carrier:

First—To provide the means of paying for the labor, under the new wage rates, necessary to perform this applicant's service to the public,

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Second—The necessity of enabling the applicant to secure the necessary finances by which to improve its facilities in such a manner that the people of the East Bay communities may receive a good and adequate transportation service.

In addition to these improvements, the evidence indicates that there is certain deferred maintenance which has accrued on this property.

There appears to be little disagreement that the recent wage award will normally increase the operating cost of the company by approximately $470,000 per year and by nearly $400,000 for the coming year. No issue was taken with the company's claim that deferred maintenance had accrued on its property to the extent of $80,000. Deferred maintenance can not be continued, obviously, without a further impairment of the quality of the service rendered.

The company, in its original application, filed, in its Exhibit "A," a schedule of property improvements which, in its opinion, should be undertaken in order to afford an adequate transportation service to the East Bay communities. This schedule contemplates an expenditure of over $4,700,000 for additional track facilities and additional equipment for the benefit of the local street car service in the East Bay district. These proposed improvements cover the reconstruction to modern standards of about forty-five miles of street railway tracks, including major portions of the East Fourteenth street line, the San Pablo avenue line, the Grove street line, the College avenue line, including a part of Broadway and the University avenue line, and the acquisition of 120 new street cars of up-to-date design and a few additional motor coaches. The remainder of the work consists of a number of smaller items somewhat widely distributed for the purpose of bringing the property as a whole up to satisfactory standard. In addition thereto, this Commission, in its Decision No. 15290, directed certain immediate improvements for the local street car service in Oakland. The company's witnesses suggested that all of these improvements should be included in a two-year program and we are of the opinion that such a time is none too short within which to complete that work.

In addition to the improvements on the local service, Exhibit "A" proposes expenditures to the extent of over $2,200,000 for the improvement of the company's transbay service, which it was also suggested should be carried out on a two-year program. Furthermore, it appears from the testimony of the president of the company, that the ferry terminal facilities used in the transbay service and the tracks leading thereto are practically saturated as to capacity during peak periods, and that within a relatively short time a complete rearrangement of the terminal will become necessary, together with the provision of additional main tracks along the mole and pier. The provision of an

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adequate terminal facility of this kind should not be deferred until the ability to handle the traffic on the existing facility has broken down. The rearrangement and augmentation of these terminal facilities, together with the construction of additional main tracks leading thereto, is a large piece of work and one that probably should have already been undertaken. We are fully convinced that it is now not too soon to commence construction work providing adequate pier and terminal facilities for this service. Although no estimate has been presented as to the cost of this work, it is apparent that the capital required to provide such adequate facilities will be very substantial, probably in excess of $2,000,000.

The gross cost of all of these improvements would thus be about $9,000,000. Unquestionably a substantial amount of existing property will be retired incident to the providing of these improved facilities, but provision must be made for the early financing of net improvement work on the part of this applicant to an extent of nearly $6,000,000. We see no hope of attracting the necessary capital to provide these facilities so necessary for adequate transportation service to the communities affected, unless the revenues are increased sufficiently to afford reasonable security for the principal and interest of the necessary capital advancements. We estimate that the additional annual revenue necessary to so secure the public confidence as to attract this amount of investment capital will not be less than $380,000.

Our engineers state that their detailed investigations, with respect to the operations, service and financial condition of this applicant, can not be satisfactorily completed for a number of months. Their studies have reached a point where they have recommended that a property ledger be made by this carrier and continued, not only for the purpose of facilitating a proper investigation in the main case now pending, but primarily because of the fact that the very basis upon which the company's books are now set up is purely tentative, pending the establishment of a true value of the company's property. In view of this, as well as the very considerable additions to property that should now be provided, we are of the opinion that it is imperative for the company to proceed to establish such a property ledger.

It is our conclusion that this applicant's revenues should be immediately increased by approximately $860,000 per annum. The establishment of such rates as will produce approximately the necessary increase in revenue must be made upon a temporary basis. We therefore propose to authorize a basic 7-cent fare on the local street car system of this applicant in the East Bay communities, a 21-cent single-trip fare for the transbay service and a $5.20 monthly commutation rate on the

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transbay service. These rates will result, we believe, in approximately the following increase in revenue:

Proposed fare	*Net amount of increased revenue on annual basis*
7-cent street car fare	$526,000 00
21-cent single-trip transbay fare	256,000 00
$5.20 monthly commutation transbay fare	64,000 00
Total estimated additional revenue	$846,000 00

From the evidence at present before us, we are of the opinion that the increase will not result in a return to the company which will be unreasonable, or that an unfair burden will be placed upon the public.

These rates, however, will be established with the distinct understanding that they are only temporary in nature, pending a completion of a thorough-going investigation on the part of the Commission's staff as to the issues in the main case and the full opportunity of the protesting communities to present evidence in that case, and upon the further condition that the company shall file a statement of its willingness and intention to undertake and complete the entire improvement program above referred to within the ensuing two-year period, and that it shall file a definite program or schedule of the time within which it will undertake to commence and complete each particular piece of work in that program, together with monthly progress reports showing the actual progress to completion on each of the jobs so undertaken.

It must be understood that the following is an ad interim order and that the temporary rates herein authorized are subject to revision and adjustment in any final order which may issue subsequent to submission of the main application herein.

INTERLOCUTORY ORDER.

Key System Transit Company having filed the above entitled application for an adjustment of its rates and its supplemental application for interim rates, public hearings having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, in so far as said supplemental application is concerned:

It is hereby found as a fact, that an emergency exists and that the present revenues of said Key System Transit Company are inadequate, and basing its order upon the foregoing finding of fact and other findings of fact, as contained in the interlocutory opinion which precedes this order;

It is hereby ordered, that the Key System Transit Company be and it is hereby authorized to establish, on or after January 15, 1926, upon notice to this Commission and to the general public by not less than

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three (3) days filing and posting of tariffs in the manner prescribed in section 14 of the Public Utilities Act, and thereafter to maintain and apply, subject to the further order of this Commission, the rates and fares prescribed in Exhibit "A," attached hereto and made a part hereof, subject, however, to the following conditions:

(1) Applicant shall file with this Commission, not less than three (3) days prior to the making effective of such increased rates, or any of them, a statement announcing its intention to proceed forthwith to carry out the following program of improvement in its facilities within a period not to exceed two (2) years:

(a) All of that improvement work specified in Exhibit "A" attached to the original application in this proceeding.

(b) All of that improvement work specified in the Commission's Decision No. 15290, rendered in Case No. 1989.

(c) The augmentation of its terminal facilities at its ferry terminal in Oakland and the construction of adequate additional main tracks between said ferry terminal and San Pablo avenue in the town of Emeryville, all of such work to be done in accordance with a plan which shall be submitted to and approved by the Commission within sixty (60) days of the date of this order.

(2) Applicant shall, within twenty (20) days of the date of this order, file with this Commission a schedule listing in detail and showing the respective dates upon which it will undertake to commence and complete each of the items of the improvement program described in general terms in condition (1) next above. Applicant shall thereafter proceed to make all of said improvements in accordance with said schedule and complete the same within two (2) years from the date of this order. Applicant shall render to this Commission, not later than the tenth day of each month, a progress report, showing the actual progress made upon said improvement work during the preceding calendar month, said progress reports to be prepared in such form and to contain such data as the Commission shall, from time to time, direct.

(3) That applicant shall proceed forthwith to make a detailed inventory and appraisal of its physical properties in such a manner as to enable it to set up a full and complete property ledger, and shall complete said inventory and appraisal within eight (8) months from the date of this order.

(4) That applicant shall proceed forthwith to perform such necessary work on its tracks, equipment and other facilities as shall completely eliminate all deferred maintenance within a period of six (6) months from the date of this order, and that applicant shall file, within fifteen (15) days of the date of this order, a complete schedule of the facilities upon which said deferred maintenance has accrued and the program of work by which applicant will undertake to bring its maintenance back to normal.

(5) The Commission reserves the right to make such further orders in the premises as shall seem to it, from time to time, just and proper.

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For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing preliminary opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this thirty-first day of December, 1925.

EXHIBIT "A."

TRACTION DIVISION.

One-way Continuous Passenger Fares.

Between—	
Oakland and Hayward	21 cents
Ashland	14 cents
San Lorenzo Junction	14 cents
San Leandro-Davis street	7 cents
Alameda	7 cents
Berkeley	7 cents
Piedmont	7 cents
Emeryville	7 cents
Albany	7 cents
County line	7 cents
East Shore Park	14 cents
Stege	14 cents
Richmond (east of Twentieth street)	14 cents
Richmond (Twentieth street and west)	21 cents
Point Richmond	21 cents
San Pablo	21 cents
East Richmond	21 cents

The same relative adjustments between all points where traction division fares are now six (6) cents or a multiple thereof.

Individual Monthly Commutation Fares.

All commutation fares on the traction division may be increased by eight and one-third (8⅓) per centum.

KEY DIVISION.

Individual Monthly Commutation Fares.

Between—	
San Francisco and Berkeley; Bancroft way; Northbrae; Albany; Claremont; Piedmont; Broadway; Third avenue and E. Eighteenth street; Forty-first avenue; Trestle Glen and intermediate stations	$5 20
Richmond	6 50

One-way Continuous Passage Fares.

Between—	
San Francisco and Berkeley; Bancroft way; Northbrae; Albany; Claremont; Piedmont; Broadway; Third avenue and E. Eighteenth street; Forty-first avenue; Trestle Glen and intermediate stations	21 cents
Children 5 years of age, but under 12 years	10 cents

Round-trip Fare.

Between San Francisco and Richmond	63 cents
Children 5 years of age, but under 12 years	31 cents

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Decision No. 15818.

IN THE MATTER OF THE APPLICATION OF BEN MOORE FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A TRUCK OR FREIGHT SERVICE AT SANGER, CALIFORNIA, AND SURROUNDING VICINITY.

Application No. 11303.

Decided December 31, 1925.

JURISDICTION—CERTIFICATE—AUTO CARRIER—RADIAL OPERATION.—Holding that it possesses no certificating jurisdiction under the Auto Stage and Truck Transportation Act (chapter 213, Statutes of 1917, as amended) over one who proposes to engage merely in a general trucking business without definitely fixed termini and not over any regular route or routes, the Commission dismisses, for lack of jurisdiction, the application for certificate of public convenience and necessity for general hauling by automobile truck between any and all points within radius of 75 miles from the town of Sanger in Fresno County.

FIXED TERMINI—REGULAR ROUTE.—The Commission stresses the point that its jurisdiction over automobile stage and truck operators is limited to those whose operations are "between fixed termini or over a regular route," which terms are defined in the statute as "the termini or route between or over which any transportation company usually or ordinarily operates any automobile * * * even though there may be departures from said termini or route, whether such departures be periodic or irregular."

ON CALL SERVICE.—The Commission is of the opinion that a general "on call" trucking business where the operations are not proposed to be "usually or ordinarily" between particular fixed points or over definite regular routes is not covered by this definition, it being, of course, understood that if and when any such operator does in fact begin or desire to begin to operate "usually or ordinarily" between any particular fixed termini or over any particular route, his operations would fall within the provisions of the statute.

DISSENTING OPINION.—Commissioners Erundige and Seavey declare that the Commission does possess certificating jurisdiction over the operations proposed by this applicant, holding that the word "terminus" as used in this act "means merely the end, the point beyond which service is not undertaken or given. The act uses the plural form of the word, indicating that there may be an indefinite number of such ends."

AUTHORITIES CITED.—The dissenting opinion also quotes from a decision of Judge Nye of the District Court of Minnesota, holding that operation of a somewhat similar nature to that proposed by applicant Moore falls within the jurisdiction of the Minnesota Commission. The dissenting opinion also cites the decision of the California Supreme Court in the case of *Franchise Motor Freight Association* vs. *Searcy*, decided April 27, 1925, which held that the attempt of the legislature of 1923 to take from the Commission authority over the hauling of farm products from farm to farm and between farms and warehouses and loading points was unconstitutional. This is held to be authority for the Commission now to take jurisdiction over the hauling of such products in the manner proposed by applicant Moore.

H. R. Crozier, for Applicant.
Gwyn H. Baker, for T. J. Black, Askin, Ogilvie & Ogilvie; D. H. Rowland and George A. Bigard, Protestants.
Chas. A. Beck, for Dinuba Truck Line, H. Frasher Truck Line, Coalinga-Fresno Truck Line; J. O. Bray, A. L. Morgan & Sons, G. C. Scribner & Son, Sanger Truck, Triangle Transfer and Kings River Transportation Company, Protestants.
Phil Jacobson, for California Highway Express and Bekins Van Lines, Protestants.
H. A. Rose and *Phil Jacobson*, for San Joaquin Valley Transportation Company, Protestant.
Alva E. Snow, for W. R. Miles Stage Line, Protestant.
M. W. Bacon, for Bacon Service Corporation, Protestant.

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L. N. Bradshaw and *A. G. Schmitt*, for Southern Pacific Company, Visalia Electric Railway Company and Fresno Traction Company, Protestants.
Edward Stern, for American Railway Express Company, Protestant.

BY THE COMMISSION.

OPINION.

By his application in this proceeding, as amended at the hearing, the applicant, Ben Moore, seeks a certificate of public convenience and necessity authorizing the operation of an automotive truck service for the transportation of general freight, including farm and factory products, between Sanger and any or all surrounding points, from farm to farm, farm to packing house, packing house to packing house and to railroads and miscellaneous other points not specifically named, within a radius of 75 miles from Sanger. No regular schedule is proposed, the amended application stating:

> No regularly established schedules as to points to and from which hauling is done or to be done, or as to time, it having to be hauled when ready and from the point * * * farm where grown, and they are legion, or from packing house to packing house, or from packing house to farm and innumerable other points within a radius of 75 miles from Sanger, approximately. * * *.

The service proposed in this application is entirely an "on call" service; that is to say, applicant proposes to operate his trucks between any points in this general territory whenever business is offered. The proposed rates are based upon a mileage scale, and because of the type of service to be offered, they are not proposed to be published between specifically named points. Applicant's equipment consists of two Chrevolet one-ton trucks, and he states that for the past four years he has been operating a general trucking business between farms and other points in and about the Sanger area.

A public hearing in this matter was held before Examiner Austin at Fresno on September 1, 2 and 3, 1925, this proceeding having been consolidated for hearing with applications Nos. 11265, 11273, 11299, 11302, 11304, 11333, 11367 and 11540. Evidence was offered, the matter was duly submitted, and it is now ready for decision.

The record shows that approximately 97 per cent of applicant's business, exclusive of that handled locally within the town of Sanger, where applicant maintains his headquarters, consists of the transportation of farm and orchard products and manure between divers farms and packing houses, together with occasional shipments between packing houses and freight cars which have been spotted at points inconvenient for direct loading from the packing house. The balance includes movements of other miscellaneous commodities, principally local movements of household goods and furniture to and from farms. The back haul to the farms consists principally of manure. In addition, applicant hauls wood, rock and sand, which he purchases and sells, these commodities, however, not being hauled for others for compensation.

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About 95 per cent of this hauling is confined to the territory within a radius of 15 miles from Sanger, shipments moving to points outside of this area being limited to emergency calls. Applicant's business is what may be termed a general trucking business. He does not operate nor propose to operate usually or ordinarily between any definitely fixed termini, nor over any particular route or routes, but is engaged merely in general haulage within a general area.

The applicant called witnesses who described the production of fruit (both citrus and deciduous) and vegetables in the vicinity of Sanger, and the need for a trucking service to handle these products from the orchards and farms to the packing houses and between packing houses. There is no question as to the need for general trucking of farm and other products within this area, and it was shown that the volume of fruit and vegetables produced is so great that at peak periods it will tax the facilities of all the trucking concerns in Sanger. Applicant alone could not possibly expect to handle all of the movement.

The granting of this application was protested by T. J. Black, Askin, Ogilvie & Ogilvie; D. H. Rowland and George A. Bigard (applicants in applications Nos. 11265, 11273, 11302 and 11304, heard with this application), Dinuba Truck Line, H. Frasher Truck Line, Coalinga-Fresno Truck Line, J. O. Bray, A. L. Morgan & Sons, Visalia Truck, G. C. Scribner & Son, Sanger Truck (Triangle Transfer), Kings River Transportation Company, California Highway Express, Bekins Van Lines, San Joaquin Valley Transportation Company, Bacon Service Corporation, W. R. Miles Stage Line, Southern Pacific Company, Visalia Electric Railway Company, Fresno Traction Company and American Railway Express Company.

Protestants California Highway Express, Bekins Van Lines and San Joaquin Valley Transportation Company introduced, by reference, their tariffs and time schedules covering their operations in this general territory, and at the hearing it was stipulated by all parties that they were operating therein in accordance with their certificates. These protestants also obtained a stipulation from this applicant that he would not transport furniture or household goods beyond a radius of ten miles from Sanger. No testimony relative to this proceeding was offered by the other protestants, the evidence submitted by the applicants in Nos. 11265, 11273, 11302 and 11304 (protestants herein), in support of their respective applications, having no bearing on this proceeding.

This application is representative of a large number of applications for certificates of public convenience and necessity covering such general trucking operations which have recently been filed with this Commission, under what we believe to be the mistaken theory that the Railroad Commission possesses certificating jurisdiction over such operations

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under the provisions of the Auto Stage and Truck Transportation Act (chapter 213, Statutes of 1917, as amended). It is our opinion that this statute, which confers jurisdiction upon this Commission to grant certificates of public convenience and necessity for the operation of motor vehicles for compensation on and over the highways of this state between fixed termini or over regular routes, does not cover the type of operation herein proposed. As above mentioned, this applicant does not allege in his petition that he intends to operate over any regular route or between any particular fixed termini, and the evidence at the hearing shows that he contemplates only a general trucking business of an "on call" character from any point to any other point where he may be summoned within an area having the city of Sanger as its center and extending 75 miles therefrom in all directions.

Subdivision (*c*) of section 1 of the Auto Stage and Truck Transportation Act, *supra*, reads as follows:

> The term "transportation company," when used in this act, means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any automobile, jitney bus, auto truck, stage or auto stage used in the business of transportation of persons or property, or as a common carrier, for compensation, over any public highway in this state *between fixed termini or over a regular route*, and not operating exclusively within the limits of an incorporated city or town or of a city and county. (Italics added.)

Subdivision (*e*) of the same section reads as follows:

> The words "between fixed termini or over a regular route," when used in this act, mean the *termini* or *route* between or over which any transportation company usually or ordinarily operates any automobile, jitney bus, auto truck, stage or auto stage, even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any automobile, jitney bus, auto truck, stage or auto stage is operated by a transportation company "between fixed termini or over a regular route" within the meaning of this act shall be a question of fact and the finding of the railroad commission thereon shall be final and shall not be subject to review. (Italics added.)

Section 2 of said act reads as follows:

> No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall operate any automobile, jitney bus, auto truck, stage or auto stage for the transportation of persons or property for compensation on any public highway in this state except in accordance with the provisions of this act.

Section 4 of the act confers jurisdiction on the Railroad Commission to supervise and regulate transportation companies by automobile as therein defined, and section 5 reads as follows:

> No transportation company shall hereafter *begin* to operate any automobile, jitney bus, auto truck, stage or auto stage for the transportation of persons or property, for compensation, on any public highway in this state without first having obtained from the railroad commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any transportation company as to the *fixed termini* between which or the *route* over which it is actually operating in good faith at the time this act becomes effective, or for the operations exclusively within the limits of an incorporated city, town, or city and county. (Italics added.)

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We believe that it is impossible to ignore the terms "between fixed termini or over a regular route" as used in this statute, and if effect is to be given to the words "fixed" and "regular" as therein used, the plain meaning of these provisions is that the Railroad Commission is without lawful authority to grant or withhold ccertificates of public convenience and necessity to operate automobiles upon the public highways of the state unless the applicants therefor intend to and do operate over regular routes or between fixed termini. As above noted, the legislature carefully defines those terms, and in the prohibitory provisions of section 5 refers to them. While it is true that subdivision (*e*) of section 1 confers upon the Commission jurisdiction to determine as a question of fact whether or not any automobile transportation company is actually operating "between fixed termini or over a regular route," we think this is prospective in effect and does not authorize this Commission to declare that a company is operating between such termini and over such a route when, in fact, the company does not do so and does not intend doing so. This subdivision clearly refers to cases covered by the last clause of section 5 and authorizes the Commission to confine operators who were actually in business prior to the enactment of the statute to *fixed termini* and *regular routes*. In short, in our opinion, the statute does not cover or apply to operation, either prior or subsequent to the passage of the act, unless it be between fixed termini or over a regular route or routes.

Since applicant has not brought himself within the provisions of the statute, we possess no power to grant him a certificate and his application should be dismissed. An order will be entered accordingly.

ORDER.

Application having been made by Ben Moore for a certificate of public convenience and necessity to operate a general truck or automobile freight service at Sanger, California, and surrounding vicinity, the matter having been heard and submitted, and being now ready for decision, and the Commission for the reasons above noted being of the opinion that it possesses no jurisdiction under the provisions of the Auto Stage and Truck Transportation Act (chapter 213, Statutes of 1917, as amended) to issue a certificate of public convenience and necessity for the operation here in question;

It is hereby ordered, that the said application be and the same is hereby dismissed.

The effective date of this order shall be twenty (20) days from and after the date hereof.

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Dated at San Francisco, California, this thirty-first day of December, 1925.

GEORGE D. SQUIRES,
EZRA W. DECOTO,
LEON O. WHITSELL,
Commissioners.

DISSENTING OPINION.

In the majority opinion there is an attempt to determine a single question. That question is whether an operation covering a specified operation, such as herein was applied for—*i. e.,* over all roads within a definitely stated number of miles from any town or central point—is under the jurisdiction of the Commission.

The majority opinion states:

> It is our opinion that this statute, which confers jurisdiction upon this Commission to grant certificates of public convenience and necessity for the operation of motor vehicles for compensation on and over the highways of this state between fixed termini or over regular routes, *does not cover the type of operation herein proposed.*

With the conclusion that an operation between a given point of origin and all points on all roads within a definite number of miles from such point of origin does not bring such operation within the meaning of "fixed termini" as defined in the act, we can not agree. The word "terminus" used in this connection means merely the end—the point beyond which service is not undertaken or given. The act uses the plural form of the word, indicating that there may be an indefinite number of such ends.

An operator in Minnesota recently attacked an order of the Minnesota Railroad and Warehouse Commission, alleging, among other things, that it did not operate "between fixed termini or over regular route." Judge Nye of the District Court of the Fourth Judicial District of the State of Minnesota, on November 24, 1925, in the case of *State of Minnesota* vs. *Boyd Transfer and Storage Company,* rendered an opinion, the reasoning of which seems so sound and so applicable to the facts here presented that, while we recognize it does not carry the weight of a decision by a higher court, we wish here to present certain extracts as in accord with our own views. They are as follows:

> It seems to the court that defendant's operations are "between fixed termini" as found by the commission. Defendant transports between villages and cities within Minnesota as many truck loads of household furniture as the public offers for such transportation. Between any two named cities or villages defendant may carry one load per day, or one load per week, or one load per month. But it carries all it can get in any event. In this respect such transportation is not different from carload shipments over an ordinary railroad. The fixity of the termini does not depend upon the frequency of shipments. It appears that defendant charges for a fixed mileage between the villages or cities, without regard to the point inside of any city or village where the transportation begins or ends. Thus defendant itself has fixed the termini upon which its charges are made as the villages or cities between which

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its transportation occurs. But irrespective of this fact, there is both reason and authority to support the conclusion that the operations of defendant are "between fixed termini" within the meaning of that term as used in the Minnesota act and other similar statutes.

The court discusses the general intent of the Minnesota law as follows:

The act clearly shows a legislative intent to provide a broad, comprehensive, and drastic scheme for regulation, control, and limitation of the business of common carriers of persons and property for hire in or by means of motor vehicles operated upon public highways built and maintained at public expense. Except as to interstate commerce, the power of the legislature in this field is plenary. No person has any vested or inherent right to operate any motor vehicle as a common carrier for hire upon the public highways. * * *

The broad general purposes of the so-called motor vehicle regulation act here involved will be partially defeated if the specific provisions thereof are construed so narrowly as to permit the defendant, and others engaged in similar business, without restraint or regulation, to transport household goods or other commodities between villages and cities for practically all persons who can be induced by advertisement or other solicitation to avail themselves of the transportation service so offered, at rates and charges made by such carriers solely in their own interest, while other persons engaged in the same business in substantially the same way must have their rates and charges fixed by the railroad and warehouse commission, and are compelled to submit to the restrictions of the law, and are limited in their operation to the terms of their certificates of public convenience and necessity and subjected to such other restrictions as the railroad and warehouse commission may lawfully impose. Competition under such conditions would soon leave the unregulated carrier alone to survive, and the restraints upon the use of the highways as intended by the legislature would then become negligible or dormant. Seemingly it was also the intent of the legislature to limit the use of the highways by public motor carriers for hire to such only as are necessary to meet the public needs; to regulate and limit the charges of all such authorized motor carriers in substantially the same way that the charges of railroad common carriers are regulated and limited; and finally to give a limited monopoly to such authorized motor carriers in order to insure a proper return upon their investments under the limited rates and charges fixed by the * * * commission. Obviously, these purposes can not be accomplished if carriers operating as defendant does may compete with and take away from such authorized carriers all the business of one kind or another, or of all kinds if they see fit, which otherwise would go to such authorized carriers.

In the instant application, as amended, operative rights are sought to establish service for transportation of general freight, commodities, farm and factory products and do miscellaneous hauling between Sanger, California, and surrounding points and *from farm to farm, farm to packing house, packing house to packing house and to railroads and miscellaneous points* as carried on by applicant for the past four years or more.

There can be no question that the operations of applicant during the past four years, in so far as same have been conducted "from farm to farm, farm to packing house, packing house to packing house and to railroads and miscellaneous points" have been between the fixed points or termini therein generally expressed, and, further, that same were conducted over regular routes between such points.

Applicant is before the Commission to establish public convenience and necessity and to legalize the operation formerly conducted under the exemption conferred by the so-called Crittenden amendment to the Auto Stage and Truck Transportation Act (chapter 213, Statutes of 1917, and effective amendments thereto), such amendment having been declared unconstitutional by the decision of the California Supreme

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Court (*Franchise Motor Freight Association et al.* vs. *Seavey et al.*, S. F. No. 11456, decided April 27, 1925), in which decision a writ of mandate issued directing the Commission to assume and exercise jurisdiction over the transportation of property as formerly exempted under the Crittenden amendment.

To now decline to assume the jurisdiction directed by the Supreme Court on the basis that the character of transportation proposed by applicant is "merely in general haulage within a general area" would be, in our opinion, an unwarranted departure from the specific mandate of the court for the reason that applicant must necessarily, in the conduct of his business as heretofore conducted and as herein proposed to be continued, operate "between fixed termini or over a regular route." The fixed termini are the points comprised within the general statement in the application as "from farm to farm, farm to packing house, packing house to packing house, and to railroads and miscellaneous points." Applicant proposes a demand or "on call" service. Such service, incidental to a specific crop movement, may require a continued intensive movement between any specific points covered by the general statement of operation as contained in the application and also being the character of operation under the jurisdiction of this Commission, not only as regards "between fixed termini" but "over a regular route." In our opinion it is over such class of operation that the Commission is specifically directed by the Supreme Court, in the above mentioned decision, to assume and exercise jurisdiction.

In our opinion the duty and obligation placed upon the Commission by the mandate of the Supreme Court is clear and in the instant proceeding applicant has failed to place specifically before the Commission the various farms, packing houses, railroad points, etc., which he proposes or hopes to serve in future, but has covered the service in the general term as heretofore set forth. It is the duty of the Commission to require specifically the plan of operation proposed by applicant and the points proposed to be served rather than to dismiss the application for want of what to us appears adequate jurisdiction under the statutory law and a definite mandate of the Supreme Court.

We are of the opinion that the Commission has jurisdiction over the class of operation herein proposed, and under the provisions of the Auto Stage and Truck Transportation Act (chapter 213, Statutes of 1917, as amended) has full authority to grant or refuse to grant for cause certificates of public convenience and necessity for such operations.

For these reasons we dissent from the views expressed in the majority opinion.

H. W. BRUNDIGE,
C. L. SEAVEY,
Commissioners.

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DECISION No. 15821.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE AS JOINT AGENT FOR UNITED STAGES, INC., AND A. B. WATSON, OPERATING AN AUTO STAGE SERVICE UNDER THE FICTITIOUS NAME OF CROWN STAGE LINES, TO PUBLISH AND FILE THROUGH JOINT PASSENGER FARES.

Application No. 11668.

Decided December 31, 1925.

RATES — AUTO STAGES — THROUGH ROUTES — JOINT OPERATION. — Application granted.

H. H. Morgan, for United Stages, Inc., Applicant.
A. B. Watson, for Crown Stage Lines, Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by Lewis A. Monroe, as joint agent for applicants, United Stages, Inc., and A. B. Watson, an individual operating under the fictitious name of Crown Stage Lines, seeking permission to establish joint one-way passenger fares between Laguna Beach, Balboa Beach, Huntington Beach, Long Beach, Corona, Brea and the intermediate points served by the Crown Stage Lines on the one hand, and on the other Armado, Blythe, California-Arizona Line, Calexico, Calipatria, Holtville and points intermediate thereto served by the United Stages, Inc.

A public hearing was held at Los Angeles before Examiner Geary on December 8, 1925, and the case having been duly submitted is now ready for an opinion and order.

The proposed fares as set forth in Exhibit "A," as amended, of the application are based on the full combination of the local fares of the applicants, except that from or to Calipatria, Brawley, Calexico and points intermediate thereto on the line of the United Stages, Inc., the fares applicants propose are predicated upon the fares concurrently in effect from and to the same points via the Pickwick Stages System, and are less than the full combination of local fares.

Witnesses for the applicants testified that there has been a continual demand from the public for the sale of through tickets, particularly from patrons traveling from or to Long Beach and the points contiguous thereto, and that the establishment of joint fares will be a decided advantage and convenience to the traveling public.

It is not proposed to change in any manner the physical operations of the auto busses, and passengers will be transferred at the junction points as at the present time. The passengers originating at or destined to Brea, Fullerton and Anaheim on the line of the Crown Stages will be transferred at Pomona, and those originating at or destined to the

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other points on that line will be transferred at Riverside. The busses of applicants will make direct connections at the junction points for interchange of the passengers.

Upon consideration of all the facts of record, we are of the opinion that there is a necessity for the publication of the proposed joint fares and that the application should be granted.

ORDER.

A public hearing having been held in the above entitled proceeding, evidence having been submitted by the applicants, and the Commission being fully advised:

The Railroad Commission of the State of California hereby declares that there is a necessity for the publication of joint passenger fares between the points served by applicants as set forth in Exhibit "A," as amended, of the application.

It is hereby ordered, that applicants, United Stages, Inc., and A. B. Watson, an individual operating an auto stage service under the fictitious name of Crown Stage Lines, be and they are hereby authorized to publish and file tariffs setting forth the joint fares to be assessed over the through route, such fares to be the same as set forth in Exhibit "A," as amended, of the application.

Dated at San Francisco, California, this thirty-first day of December, 1925.

DECISION NO. 15822.

IN THE MATTER OF THE APPLICATION OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, A CORPORATION, AND T. H. DASSEL, OPERATING A TELEPHONE SYSTEM UNDER THE NAME OF MORGAN HILL TELEPHONE COMPANY, FOR AN ORDER AUTHORIZING THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY TO SELL TO T. H. DASSEL CERTAIN PORTIONS OF ITS MADRONE EXCHANGE PLANT AND T. H. DASSEL TO PURCHASE THE SAME, AND THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY TO WITHDRAW FROM THE TERRITORY NOW BEING SERVED FROM ITS MADRONE EXCHANGE, AND T. H. DASSEL TO SERVE SAID TERRITORY.

Application No. 11872.

Decided December 31, 1925.

ABANDONMENT—TELEPHONE UTILITY—TRANSFER.—The Pacific Telephone and Telegraph Company authorized to discontinue service in its Madrone exchange and Morgan Hill Telephone Company authorized to acquire said exchange and to furnish service in said exchange area.

J. G. Marshall, for The Pacific Telephone and Telegraph Company
T. H. Dassel, for Morgan Hill Telephone Company.

BY THE COMMISSION.

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OPINION.

This is a proceeding in which The Pacific Telephone and Telegraph Company requests the Railroad Commission for authority to discontinue the furnishing of exchange telephone service in its Madrone exchange area and to sell to T. H. Dassel a portion of its Madrone plant for the sum of $40, and T. H. Dassel requests authority to purchase the same and to furnish exchange telephone service in the Madrone exchange area.

A public hearing was held in this matter by Examiner Satterwhite in Morgan Hill on December 17, 1925.

The town of Madrone is situated about one mile northwest of Morgan Hill. There are approximately twenty-two telephone stations, mostly on "farmer lines," receiving service from the Madrone exchange of The Pacific Telephone and Telegraph Company, and there are approximately two hundred thirty-six telephone stations in Morgan Hill and vicinity connected to the Morgan Hill Telephone exchange.

Mr. Dassel proposes to extend the "farmer lines" now terminating at the Madrone exchange to the Morgan Hill exchange and to make this change at no expense to the subscribers.

A petition signed by eighteen of the twenty-two Madrone telephone subscribers was received by the Commission, requesting that they receive exchange telephone service from the Morgan Hill exchange. Of these subscribers fifteen will receive an increase in exchange telephone rates of $2.40 per year, one an increase of $2 per year and the two others an increase of $1 and $1.40 per month.

No objection was made at the hearing to the abandonment of exchange telephone service in the Madrone area by The Pacific Telephone and Telegraph Company and the furnishing of telephone service from the Morgan Hill exchange in the combined Morgan Hill and Madrone areas, as shown in "Exhibit I" attached hereto under the exchange telephone rate schedules of Morgan Hill Telephone Company on file with the Commission.

The consideration named in the transfer of the specified portion of the Madrone plant does not appear to be unreasonable.

There appears no good reason why the request of applicants should not be granted.

ORDER.

The Pacific Telephone and Telegraph Company and T. H. Dassel, operating a telephone system under the name of Morgan Hill Telephone Company, having requested an order of the Railroad Commission authorizing The Pacific Telephone and Telegraph Company to discontinue exchange telephone service in its Madrone exchange area and authorizing Morgan Hill telephone exchange to furnish exchange tele-

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phone service in the Madrone exchange area, and authorizing the transfer of certain Madrone exchange plant from The Pacific Telephone and Telegraph Company to T. H. Dassel for $40, a public hearing having been held and the matter having been submitted and being now ready for decision, the Railroad Commission finds as a fact that the needs of the public require that Morgan Hill Telephone Company furnish exchange telephone service in the Madrone exchange area and that The Pacific Telephone and Telegraph Company abandon exchange telephone service in said area.

Basing its order on the foregoing findings of fact, and such other statements of fact appearing in the opinion preceding this order;

It is hereby ordered, that Morgan Hill Telephone Company be and it is hereby authorized to furnish, on and after February 1, 1926, exchange telephone service in the combined Morgan Hill and Madrone exchange area as shown in "Exhibit I" attached hereto under the rates, rules and regulations now on file with the Railroad Commission, for telephone service in the Morgan Hill exchange area; provided, Morgan Hill Telephone Company shall file, on or before January 15, 1926, with this Commission, a map showing the area to be served as shown in "Exhibit I" attached hereto.

It is hereby further ordered, that The Pacific Telephone and Telegraph Company be and it is hereby authorized to discontinue furnishing exchange telephone service in its Madrone exchange area on and after February 1, 1926.

It is hereby further ordered, that Morgan Hill Telephone Company be and it is hereby authorized to purchase and The Pacific Telephone and Telegraph Company to sell, for the sum of $40, that certain portion of exchange plant described in "Exhibit A" accompanying the application in this proceeding under the following conditions:

(1) The authority herein granted shall apply only to such transfer as shall have been completed on or before January 31, 1926, in which a certified copy of the instrument of conveyance shall have been filed with the Railroad Commission by The Pacific Telephone and Telegraph Company on or before February 15, 1926.

(2) The consideration for which the exchange plant is herein authorized to be transferred shall not be considered as a measure of the value of such property for any purpose other than the transfer herein authorized.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date thereof.

Dated at San Francisco, California, this thirty-first day of December, 1925.

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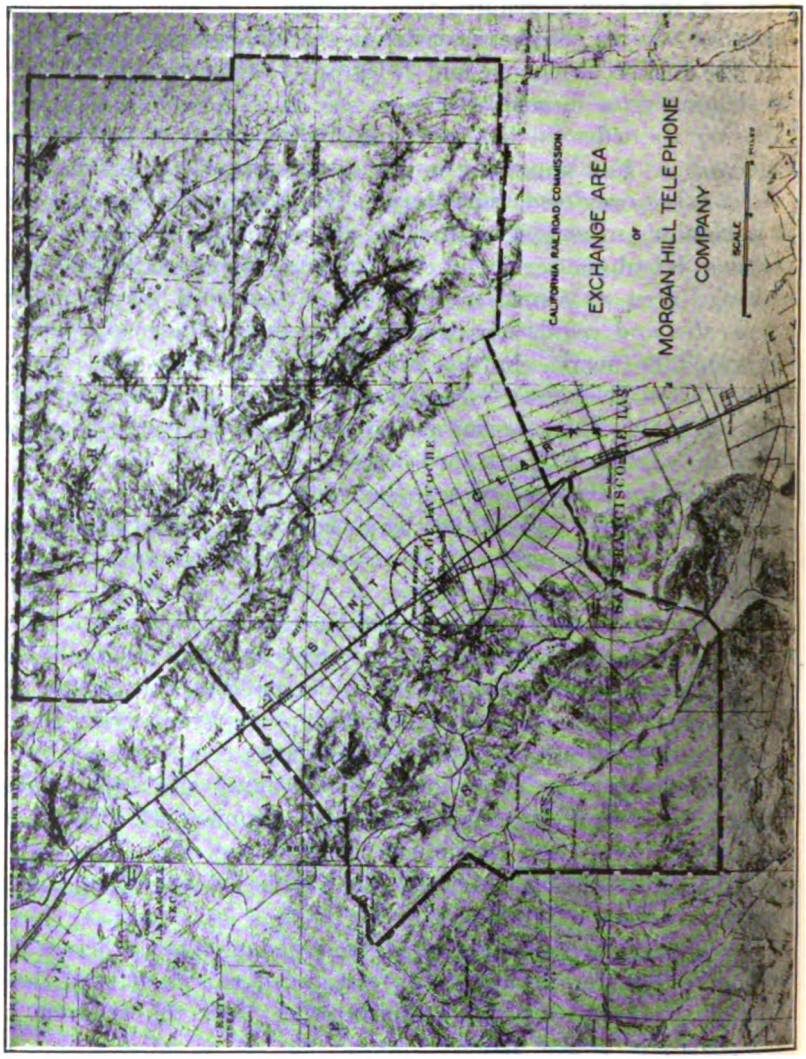
"EXHIBIT I."



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DECISION NO. 15824.

IN THE MATTER OF THE INVESTIGATION, ON THE COMMISSION'S OWN MOTION, OF THE REASONABLENESS OF THE RATES, RULES, REGULATIONS, PRACTICES AND SERVICES OF THE WESTERN UNION TELEGRAPH COMPANY AS SAME APPLY TO ITS TIME SERVICE.

Case No. 2142.

Decided December 31, 1925.

RATES—TELEGRAPH UTILITY—TIME SERVICE—JURISDICTION.—Holding that Western Union Telegraph Company's time clock service is an interstate operation, the Commission dismisses its investigation into the reasonableness of the rates, rules, regulations, practices and services of that utility in regard thereto, for want of jurisdiction.

Beverly L. Hodghead, for the Western Union Telegraph Company.
Devlin and Brookman, by *Douglas Brookman*, for the California Independent Telephone Association, Intervener.

SQUIRES, *Commissioner*.

OPINION.

This is a proceeding instituted by the Commission for the purpose of investigating the reasonableness of the rates, rules, regulations, practices and services of the Western Union Telegraph Company as the same may apply to time service as furnished by it. A question has arisen as to whether or not this so-called time service now being furnished by the Western Union Telegraph Company to its subscribers throughout the state is a public utility service under the jurisdiction of this Commission, and this decision deals particularly with this question. A public hearing was held in this matter in San Francisco on October 2, 1925, at which time and place this matter was heard and submitted in so far as the question of jurisdiction is involved.

Time service, as furnished by the Western Union Telegraph Company to its subscribers, consists of furnishing a mechanical clock installed and maintained on the subscriber's premises by the Western Union Company at its expense for the purpose of furnishing local time. In order that the subscribers' clocks may be kept running as accurately as is reasonably possible, the Western Union Company has connected all such clocks in any one particular community to an electrical circuit which in turn is connected to a local master clock in its own office of that or a nearby community, which master clock causes to be transmitted a signal to each clock once each hour, which signal automatically adjusts each clock if it be in error.

At the present time the Western Union Telegraph Company furnishes time service in eighty-nine of the larger cities throughout the State of California. In each of these communities where time service is furnished, the Western Union Telegraph Company has in operation a

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local master clock to which are connected the various subscribers' clocks of that community. The clock located on the subscriber's premises is a self-contained clock and is operated by means of a mechanism within the clock itself. The local master clocks located in the various communities are so arranged with a mechanism that an electric circuit is momentarily closed once each hour and on the hour, resulting in a telegraphic dot or signal, which signal is transmitted to each subscriber's clock and by means of an electrical and mechanical apparatus within the subscriber's clock adjusts that clock to the same time as the local master clock, provided, however, that the subscriber's clock is not more than three minutes fast or slow. If the subscriber's clock is more than three minutes fast or slow at the time the adjusting signal is transmitted, then the adjusting apparatus fails to operate, in which case adjustment can only be made by a manual or physical resetting of the clock.

The United States government maintains at Washington, D. C., a very accurate timepiece similar to the local master clock maintained by the Western Union Telegraph Company in its various offices throughout the state and elsewhere. This clock at Washington is continually checked and kept in adjustment with a high degree of precision through comparison with stellar and solar observations made at the United States Naval Observatory. This clock is arranged with a mechanism so that at a specific time (once each day at 12 o'clock noon, eastern standard time) signals may be transmitted indicating this time. The Western Union Company receives these signals from the Naval Observatory, and in turn transmits them over its own circuits to its various offices throughout the country. The Western Union Telegraph Company has arranged for the transmission of these signals from the government in order that it may have some means for checking the accuracy of its own master clocks. The accuracy of the local time, as indicated by the local master clock, is determined by placing two ordinary telegraph sounders in the same proximity, one connected to the local master clock and the other to the circuit connected to the Naval Observatory clock, and if these two sounders operate in exact synchronism the local master clock indicates the correct time. If the two sounders do not operate in unison, then adjustment is made by manually accelerating or retarding the operation of the local master clock until the sounders do click or operate in exact synchronism. At the present time this operation is performed by the company once each day. Neither the local master clocks nor the circuits connecting them to the subscribers' clocks are either electrically or manually connected in any way to the circuit over which the Western Union Company receives time signals from the Naval Observatory. Up until June 9,

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1925, the Western Union Company was receiving time signals in California from the Mare Island government station instead of Washington, D. C. On this date the receiving of the time signals from Mare Island was discontinued, and subsequent thereto they have been received, as heretofore described, from Washington.

While it appears that the local subscriber is desirous of obtaining information as to the correct local time, and while he does so over a local circuit maintained by the telegraph company, nevertheless in effect he obtains his information as a result of service performed outside of this state and the message which he receives is advertised to be and in my opinion is a message falling within the definition of interstate commerce. Whatever might have been the case prior to June 9, 1925, it is clear that as to the present time clock service rendered by the Western Union Telegraph Company our decision must be determined by the decision of the United States Supreme Court in the case of *Western Union Telegraph Company* vs. *Foster,* 247 U. S. 103, 62 L. Ed. 1006. While there are certain differences between the operation of the ticker service therein described and the service here in question, I am of the opinion that these differences are not sufficient to obviate the necessity of this Commission following the rule there laid down. It is, therefore, evident that this Commission possesses no jurisdiction over this interstate service, and an order must be entered dismissing this proceeding.

ORDER.

The Railroad Commission of the State of California having instituted upon its own motion an investigation to determine whether the rates, rules, regulations, practices and services, or any of them, of the Western Union Telegraph Company as the same may apply to its time service are unjust, unreasonable, discriminatory or preferential in any particular, and to determine just, reasonable and sufficient rates, rules, regulations, practices and services to be observed and enforced by the Western Union Telegraph Company in connection with its time service, and also to determine if this service is a utility service subject to the jurisdiction of this Commission; a public hearing having been held, and the matter, in so far as it relates to the question of jurisdiction, having been submitted:

The Railroad Commission of the State of California hereby finds as a fact that the time service above mentioned, now furnished by the Western Union Telegraph Company, is not a public utility service, subject to the jurisdiction of this Commission; and, therefore,

It is hereby ordered, that this proceeding be and the same is hereby dismissed.

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The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this thirty-first day of December, 1925.

DECISION NO. 15829.

C. N. TURNER PETROLEUM COMPANY, AMERICAN-ASIATIC PETROLEUM COMPANY

vs.

PACIFIC ELECTRIC RAILWAY COMPANY, SOUTHERN PACIFIC COMPANY.

Case No. 2120.

Decided January 4, 1926.

RATES—RAILROAD—FUEL OIL—SWITCHING CHARGES.—It is found that defendants erroneously assessed the $2.70 per car switching charge on the shipments moving prior to August 28, 1923, and correctly applied the switching charge on and after that date. It is also found that after August 28, 1923, the adjustment was discriminatory, but reparation on the shipments moving after that date is denied, as there is no evidence that complainants suffered any actual damage by reason of the discrimination.

B. H. Carmichael and *Glenn, Cleve, Van Dine and Turcotte*, by *F. W. Turcotte*, for Complainants.

C. W. Cornell and *G. F. Squires*, for Defendants.

SQUIRES, *Commissioner*.

OPINION.

Complainants are corporations engaged in the business of producing, buying, refining, blending and selling petroleum and petroleum products, with their principal place of business at Los Angeles, California.

By complaint filed April 11, 1925, and amended August 19, 1925, it is alleged that a switching charge of $2.70 per car assessed by the defendants, in addition to the line haul rates, on shipments of petroleum fuel oil from East Long Beach and Signal Hill to Colton during the period from December 27, 1922, to February 15, 1925, was inapplicable, under the tariffs lawfully on file with this Commission, and that the said switching charge should have been absorbed by defendant Pacific Electric Railway. It is further alleged that if the Commission finds the aforesaid switching charge to have been lawfully applicable, then we are asked to declare that the adjustment was unduly discriminatory to complainants and unduly preferential to complainants' competitors located at San Pedro, Wilmington, El Segundo, El Segundo wharf and other oil shipping points in southern California, and in either event to award reparation.

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Signal Hill and East Long Beach are points on the Pacific Electric Railway, in what is known as the Signal Hill oil producing section. Colton is located on the Pacific Electric Railway, Southern Pacific Railroad, Atchison, Topeka and Santa Fe Railway, and Los Angeles and Salt Lake Railroad.

Complainants' shipments consisted approximately of 2000 cars of fuel oil and were loaded at the racks of the Hursh refinery at Signal Hill. The cars were waybilled from East Long Beach and were routed via Pacific Electric Railway to Colton for delivery to the California-Portland Cement Company. The latter industry was and still is served by the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company. Defendants assessed and collected on these shipments prior to December 22, 1924, their line haul rates of 8 cents per 100 pounds, and 7 cents thereafter, plus $2.70 per car, the latter charge accruing to defendant Southern Pacific Company for performing the switching service from the interchange point with the Pacific Electric Railway to the industry tracks in the plant of California-Portland Cement Company at Colton. Complainants admit there were no movements originating at East Long Beach and the allegations of the complaint, in so far as they involved any tonnage from that point, were abandoned at the hearing.

During the time these movements took place, defendant Pacific Electric Railway Company had in effect in its Terminal Tariff 2-F, C. R. C. 255, Item 65, carrying a provision for the absorption of the switching charge at Colton, reading as follows:

> On carload traffic (competitive traffic, see Item 10), on which the Pacific Electric Railway receives a line haul * * * destined to or originating at industry tracks not reached by this company's rails located within the switching limits of the Southern Pacific Company or the Los Angeles and Salt Lake Railroad at Colton, this company will absorb * * * the amount of connecting carrier's published charge for switching to or from the interchange track with this company.

Until August 28, 1923, the term "competitive traffic" was defined in Item 10 as follows:

> Competitive traffic is traffic which may be handled from point of origin to point of destination via two or more lines or routes.

On August 28, 1923, an amendment to Item 10-A became effective, which reads as follows:

> (Applies on Intrastate Traffic Only.)
>
> Competitive traffic is traffic which, at time of shipment, may be handled at equal rates (exclusive of switching charge) from same point of origin to same destination via other carriers, one of which performs the switching service.

Complainants maintain that during the time the first definition of competitive traffic was in effect it was possible to ship from Signal Hill

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to Colton via the Pacific Electric direct, or via the Pacific Electric to Los Angeles, thence via either the Southern Pacific, Atchison, Topeka and Santa Fe Railway, or Los Angeles and Salt Lake Railroad, to Colton. This, it is alleged, constituted two or more routes from point of origin to destination, and, although the rates via the joint routes were not the same as the local rate of the Pacific Electric Railway, the traffic was, nevertheless, competitive.

Defendants' witnesses testified that prior to August 1, 1914, the Pacific Electric Railway had in its terminal tariff the same definition of competitive traffic as is in force at the present time, and that Item 10 as above quoted was amended because of statements by the Interstate Commerce Commission that it was not in strict accordance with the provisions of Rule 4 (i) of Tariff Circular No. 16-A. Defendants do not seriously contend that the definition referred to is not open to misinterpretation, but they claim that it never was the intention to consider traffic from Signal Hill to Colton as competitive, and that under a strict interpretation of the item it should not be so considered. Testimony was given by defendants to the effect that the clause "via two or more routes" are correlated, the words "or routes" being simply explanatory of the words "two or more lines," and that because from point of origin to destination, Signal Hill to Colton, there is only the Pacific Electric Railway, the movement between those points does not come within the scope of the definition of competitive traffic as contained in Item 10.

Manifestly the item was ambiguous. If it was not the intention of the carrier to declare the traffic from Signal Hill to Colton competitive, its tariff failed to inform the public definitely and clearly as to its application and, therefore, it should have its ambiguities construed against the framer (*Hurlburt* vs. *L. S. & M. S. Ry.*, 2 I. C. C. 122).

There were undoubtedly two or more routes over which this traffic from Signal Hill could reach Colton, *i. e.*, via the Pacific Electric directly or via the Pacific Electric to Los Angeles, thence Southern Pacific or Atchison, Topeka and Santa Fe, or Los Angeles and Salt Lake, and commodities moving over such routes, under the definition in effect at the time referred to, constituted competitive traffic.

I am, therefore, of the opinion and so find that the switching charges of $2.70 per car on complainants' shipments moving during the period December 27, 1922, until August 28, 1923, should have been absorbed by defendant Pacific Electric Railway under the provisions of Item 10, Terminal Tariff 2-F, C. R. C. 255. The charges of $2.70 per car were, therefore, illegally applied and the amounts collected should be refunded with interest.

Under the second definition, effective August 28, 1923, complainants contend that traffic from Signal Hill to Colton is competitive for the

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reason that Signal Hill on the Pacific Electric Railway, and Burnett on the Los Angeles and Salt Lake Railroad, should at all times have been treated as common points of origin and, further, that the rates from both points to Colton were equal. Signal Hill and Burnett are in the Signal Hill oil district, situated approximately seven-tenths of a mile apart, Burnett being within the corporate limits of the town of Signal Hill. As previously stated, the actual loading of shipments was done at the Hursh refinery loading racks, on the Pacific Electric Railway, directly opposite the station of Signal Hill. There are also loading racks at Burnett, and the loading racks at both points are served by a common pipe line. Complainants contend that since the oil could have been loaded at either Signal Hill or Burnett from the same pipe line, the points should be considered as common and the shipments be given equal rates, including the switching to destination industry tracks when cars moved via either the Pacific Electric Railway or the Los Angeles and Salt Lake Railroad.

Defendants, on the other hand, maintain that Signal Hill and Burnett are not common points. They stress the fact that there are no track connections, that they are two separate and distinct stations on different railroads and are so shown in the respective tariffs of the Pacific Electric Railway and the Los Angeles and Salt Lake Railroad.

Complainants' position, it clearly appears to me, is not based on sound logic. The fact that Signal Hill and Burnett are located in the same oil producing field and have loading facilities served by the same pipe line does not make them common points. It would be just as logical to hold that if Los Angeles and Bakersfield, 169 miles apart, were connected by a pipe line and it were possible to pump oil from the pipe line to either place for loading into tank cars, then the two points and the stations intermediate thereto must be considered common railroad shipping points.

I therefore conclude and so find that under the definition of competitive traffic as set forth in Item 10-A as amended, defendants lawfully assessed and collected the destination switching charge at Colton of $2.70 per car on complainants' shipments transported during the period herein involved on and after August 28, 1923.

There now remains for consideration complainants' allegation that the switching charges assessed after August 28, 1923, were discriminatory and unduly preferential. As previously stated, the line haul rate in effect after August 28, 1923, from Signal Hill to Colton was 8 cents per 100 pounds prior to December 22, 1924, and 7 cents thereafter, to which was added the switching charge of $2.70 per car assessed by the Southern Pacific Company for switching shipments to the industry tracks of California-Portland Cement Company at Colton.

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There were concurrently in effect to Colton from other oil shipping points in southern California, commercially competitive with Signal Hill, many local and joint rates which included industry track delivery.

A study of these rates makes it clear that on shipments made by competitors destined to an industry at Colton served by the rails of the Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway or the Los Angeles and Salt Lake Railroad, the payment of $2.70 per car switching charge at the latter point could in all cases be avoided. In this manner it is alleged complainants have suffered undue discrimination and complainants' competitors have been unduly preferred, because no joint rates were concurrently maintained by defendants from Signal Hill.

Complainants' president and general manager testified that the basic selling price of fuel oil is set by the larger oil companies and is generally followed by the other companies. In securing business from the California-Portland Cement Company at Colton, complainants were confronted with active competition from practically all the large oil companies located at the competitive points in southern California. The oil handled by complainants was sold f. o. b. consignee's plant at Colton and the entire freight charges were borne by them.

Effective February 15, 1925, defendants voluntarily established from Signal Hill to Colton a joint rate of 7 cents per 100 pounds applicable via the Pacific Electric Railway to Los Angeles, thence Southern Pacific Company or Atchison, Topeka and Santa Fe Railway beyond. This action of defendants has placed Signal Hill on a rate parity with the other oil shipping points referred to in this opinion, thus removing the discrimination and preference which evidently existed.

Complainants have requested this Commission to award reparation. However, in seeking reparation because of discrimination, complainants must show that they have suffered actual pecuniary damage. Proof of damage must be established by the same evidence required in a court of law. It can not be presumed that if complainants suffered any damage the amount should be measured by the difference in freight charges. In the absence of proof that complainants have suffered direct injury by the discrimination which appears to have existed, I believe reparation should be denied (*International Coal Case*, 230 U. S. 184).

The following form of order is recommended for adoption:

ORDER.

This case being at issue upon complaint, full investigation of the matters and things involved having been had and basing this order on the findings of fact and conclusions contained in the foregoing opinion, which said opinion is hereby referred to and made a part hereof:

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It is hereby ordered, that defendants, Pacific Electric Railway Company and Southern Pacific Company, according as they participated in the traffic, be and they are hereby authorized and directed to refund, with interest, to complainants, C. N. Turner Petroleum Company and American-Asiatic Petroleum Company, according as their interests may appear, all charges they may have collected from complainants, or their predecessors in interest, in excess of 8 cents per 100 pounds, for the transportation of petroleum fuel oil from Signal Hill to Colton shipped during the period extending from December 27, 1922, until August 28, 1923.

It is hereby further ordered, that as to all other matters involved the complaint in this proceeding be and the same is hereby dismissed.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this fourth day of January, 1926.

DECISION NO. 15830.

IN THE MATTER OF THE APPLICATION ON THE COMMISSION'S OWN MOTION INTO THE OPERATION AND APPLICATION OF THE MEASURED RATES APPLYING TO INDIVIDUAL LINE BUSINESS SERVICE, BUSINESS COMMERCIAL PRIVATE BRANCH EXCHANGE SERVICE AND BUSINESS INTERCOMMUNICATING SYSTEM SERVICE WITHIN THE LOS ANGELES EXCHANGE AREA OF THE SOUTHERN CALIFORNIA TELEPHONE COMPANY.

Case No. 2164.

Decided January 12, 1926.

RATES—TELEPHONE UTILITY—MEASURED BUSINESS SERVICE—COMMISSION'S INVESTIGATION.—Southern California Telephone Company ordered to establish full measured service for business and private branch exchange subscribers, effective on and after March 21, 1926. Existing optional flat rates and measured service rates ordered discontinued March 20, 1926.

RATES REDUCED.—Rates for commercial private branch exchange subscribers are reduced from four (4) cents per message to three and one-half (3½) cents per message. Rates for individual line business service are reduced from four (4) cents to three and one-half (3½) cents for all calls in excess of 200 per telephone per month.

STATEMENTS REQUIRED.—In addition to rate changes the company is further required to render a statement to each business and commercial private branch exchange subscriber receiving flat rate service, on February 1 and March 1, 1926, showing the charges which would apply under the present measured schedule of rates now in effect, and also the modified measured schedule of rates set forth in this decision.

DISSENTING OPINION.—Commissioner Brundige dissents against withdrawing optional rates for flat or measured rate service, and against the application and form, and volume of the measured rates.

James T. Shaw, and *Lawler and Degnan,* by *Oscar Lawler,* for Southern California Telephone Company.

Jess E. Stephens, City Attorney, and *Milton Bryan,* Assistant City Attorney, for City of Los Angeles.

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A. N. Johns, for Board of Public Utilities of the City of Los Angeles.
Hill, Morgan and Bledsoe, by *Benjamin F. Bledsoe*, for Retail Dry Goods Association.
Kemp, Partridge and Kemp, by *George W. Kemp*, for Los Angeles Chamber of Commerce.
Andrae Nordskog and *John E. Staley*, for Southern California Rate and Traffic Association.
Carl Bush, for Hollywood Chamber of Commerce.

COMMISSION, *en banc*.

OPINION.

This is a proceeding instituted by the Railroad Commission on its own initiative inquiring into the application and operation of the measured schedule of rates now in effect in the Los Angeles exchange area of the Southern California Telephone Company. The Commission in Decision No. 14420, dated December 31, 1924 (25 C. R. C. 721), among other things, required the Southern California Telephone Company to establish optional flat and measured rates for certain business telephone service furnished in the Los Angeles exchange on and after February 1, 1925.

The order of this decision provided that the optional flat rates for business service were to continue in effect up to and including December 31, 1925, and commencing January 1, 1926, that all business telephone service shall thereafter be furnished under the measured schedule of rates. The Commission in its Decision No. 14523, dated January 31, 1925, in denying a request of the city of Los Angeles for rehearing in the above matter stated that there were certain questions in relation to the matter of measured business service which in its opinion should be determined prior to January 1, 1926, the date upon which the optional flat rates for business and private branch exchange service are to cease, but which could not be determined until experience had shown how the measured system of rates would operate in actual practice in Los Angeles. Accordingly, the above entitled proceeding was instituted. Hearings in this matter were held in the city of Los Angeles on November 4 and 5 and on December 2, 1925, at which time and place all interested parties were given an opportunity to be heard, evidence was presented and the matter submitted.

There is now in effect within the Los Angeles exchange of the Southern California Telephone Company optional flat and measured rates applying to business individual line service, commercial private branch exchange service and business intercommunicating system service. In accordance with the Commission's order in Decision No. 14420, above referred to, the Southern California Telephone Company was required to submit, during the months of September, October, November and December, 1925, to each business individual line subscriber and private branch exchange subscriber receiving flat rate

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service two bills, one showing the actual charge under the flat rates and the other the charges which would result from the application of the measured schedule of rates to his service. This was done in order that subscribers might have full information relative to their use of telephone service and the corresponding resulting charges under the measured rates so that they might make any adjustment in their operations before receiving service under the measured rates.

Evidence, in the form of oral testimony and extensive exhibits, was presented at the hearing by the engineering department of the Commission, the city of Los Angeles, Retail Dry Goods Association, Los Angeles Chamber of Commerce and by a number of the Los Angeles hotels. The evidence presented by the engineering department of the Commission, through Mr. W. J. Dodge, telephone and telegraph engineer, consisted of an analysis of the operations of the Southern California Telephone Company for the year 1925 under the existing and full measured rates and the effect on the operations of the company and subscribers' bills for service. A very complete analysis of the actual use of telephone service by business subscribers was presented. Evidence presented by the city was directed mainly to the result in earnings to the company of the present rates and an estimate of the conditions which would result under complete business measured service. Evidence presented by other parties related primarily to the application of measured service to individuals and particular groups of business subscribers.

The reports presented by the city through Mr. A. N. Johns, telephone engineer, relative to the company's earnings, closely agree with the results presented by Mr. Dodge, which indicate that for 1925, with a rate base of approximately $72,000,000, the rate of return which would be earned under present rates would be approximately 6.2 per cent, and with full measured service in effect for the entire period, and with no curtailment of use resulting from the application of measured rates, the return would be approximately 8.4 per cent. Without question some curtailment of use may be expected with the application of full measured service to business telephones but no definite estimate was presented, and it appears that the amount of curtailment would depend, to a considerable extent, upon the rates made effective.

There were at the end of September, 1925, 266,704 telephone stations used by 183,532 subscribers in the Los Angeles exchange. Of the total subscribers 143,934 are residence subscribers and 32,228 business subscribers, the latter being subject to the optional flat and measured rates now in effect. Of the business subscribers 30,028 are individual and two-party business subscribers and 2200 are commercial private branch exchange subscribers. Under the condition of optional service, 12,305

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individual line business subscribers and 428 private branch exchange subscribers have elected to take service under the measured rates.

The use of telephone service by business subscribers varies between wide limits. The evidence shows that 28 per cent of all individual line subscribers make less than 100 calls per month, 53 per cent make less than 225 calls, while 1 per cent make over 1000 calls per month, and 2 subscribers in September made calls in excess of 2500. Similar variations occur in the case of the private branch exchange subscribers. From an analysis of the evidence, it is conclusive that to more equitably divide the burden of maintaining telephone service some method of proportioning charges in relation to the use of service should be made effective in which the small user will bear a lesser burden and the larger user will bear a greater burden than will result under the application of flat rates.

General agreement seems to exist that measured service must ultimately become effective. The particular question before the Commission in this proceeding is whether the measured rates, as fixed in Decision No. 14420, will place an unreasonable burden upon individuals and groups of subscribers if made compulsory and whether the spread of charges due to the making effective of these rates will result in discrimination. Considering the evidence presented by the various parties, we are convinced that the compulsory application of the present measured rate would result in an unreasonable burden being placed upon many of the large users of telephone service and that the charges, as fixed, though not resulting in an unfair burden on the larger users under the conditions of optional flat rate service, should be modified.

The modification which we find should be made in the full measured schedule of rates applying to individual line service will provide a monthly minimum charge of $5.50, for which the subscriber may receive 75 messages, a 5-cent rate for the next 125 messages, and 3½ cents for all messages over 200 per month. The private branch exchange schedule we believe should be reduced from 4 cents per message to 3½ cents per message. The message rate of the business intercommunicating schedule should be changed to agree with the message rate of the private branch exchange schedule.

The present rate for coin box service provides a minimum charge of 20 cents per day for which the subscriber is allowed four messages without additional charge. It appears that this rate should be modified to provide for a minimum charge of 25 cents per day for which the subscriber will be allowed five messages without additional charge.

Had the full measured schedule of rates modified as outlined above been in effect during the entire year of 1925 and with rates for other services as are now in effect, and assuming the present telephone use

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with no curtailment to have applied during the entire year, the result to the Southern California Telephone Company would have been a net return of approximately 7 per cent. There was no evidence to show just what curtailment in use might be expected under measured rates. Some curtailment without doubt will result and will tend to reduce the above estimated return. A 10 per cent curtailment will reduce this net return to approximately 6.5 per cent.

Provided the modifications as herein referred to and as set forth in Exhibit "A" attached hereto are made in the measured schedule of rates, there then appears to be no good reason for continuing the optional rates and the order will require the discontinuance of the optional flat rates for business service on March 20, 1926, and that commencing March 21, 1926, the business service will be furnished under a full measured schedule of rates.

ORDER.

The Railroad Commission having instituted a proceeding on its own motion inquiring into the application and operation of the measured schedule of rates now in effect in the Los Angeles exchange area of the Southern California Telephone Company, hearings having been held, the matter being submitted and now ready for decision:

The Railroad Commission hereby finds as a fact that the measured schedules of rates now in effect applying to business telephone service furnished by the Southern California Telephone Company in its Los Angeles exchange area are unjust and unreasonable for full measured service to be furnished on and after March 21, 1926, in so far as they differ from the rates hereinafter set forth, and that the rates set forth in Exhibit "A" attached hereto are just and reasonable rates for full measured service to be furnished on and after March 21, 1926.

Basing its order on the foregoing findings of fact and on such other findings and statements of fact as are set forth in the opinion preceding this order:

It is hereby ordered, that Southern California Telephone Company file with the Railroad Commission at least ten (10) days prior to March 21, 1926, the schedule of rates and charges as set forth in Exhibit "A" attached hereto, and make the same effective for business telephone service furnished in the Los Angeles exchange area on and after March 21, 1926.

It is hereby further ordered, that Southern California Telephone Company render on February 1 and March 1, 1926, to each business and private branch exchange subscriber receiving flat rate service, a statement showing the charges which would apply under the corresponding measured schedule of rates now in effect and the measured schedule of rates as set forth under Exhibit "A" attached hereto.

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It is hereby further ordered, that the order in Decision No. 14420 dated December 31, 1924, shall remain in full force and effect except as herein modified and as modified in Decision No. 15750 dated December 11, 1925, and Decision No. 15813 dated December 29, 1925.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this twelfth day of January, 1926.

C. L. SEAVEY,
GEORGE D. SQUIRES,
EZRA W. DECOTO,
LEON O. WHITSELL,
Commissioners.

DISSENTING OPINION.

I am not in agreement with the views of the majority members of the Commission.

In my judgment the facts do not now warrant withdrawing the optional flat or measured schedule for business telephones in Los Angeles and requiring all such subscribers to pay measured rates only. Neither am I satisfied with the application of the measured rates herein proposed to the various classes of subscribers, or the form of the rate, or the volume of the rate. For these reasons I wish herewith to record my dissent.

H. W. BRUNDIGE,
Commissioner.

EXHIBIT "A."

Case No. 2164.

SCHEDULE No. A-1.

Business service—Individual line—Los Angeles.

Service.

Applicable to business individual line measured service and individual line coin box service furnished within the primary rate area of the Los Angeles exchange.

Rate.

(1) Business measured service—	Rate	
Each individual line station:	Wall set	Desk set
First 75 messages or less per month	$5 50	$5 75
Next 125 messages per month, per message	05	05
Over 200 messages per month, per message	03½	03½
Each extension station, per month	1 00	1 25

(2) Business coin box service—	Rate
Each individual line wall set:	
First 5 messages or less per day	$0 25
All over 5 messages per day, per message	05
Each individual line desk set:	
The above wall set rate plus $0.25 per month.	
Extension station:	
Each wall set, per month	1 00
Each desk set, per month	1 25

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Conditions.

(1) Extension stations at the above rates are installed on the premises on which the primary station is located. The above rates plus mileage rates are applicable to outside extension stations.

(2) Individual line service will be provided outside the primary rate area but within the exchange area at the above rates plus mileage rates except in South Pasadena rate area.

SCHEDULE No. A-5.

Commercial private branch exchange service—Los Angeles.

Service.

Applicable to commercial private branch exchange measured service furnished within the primary rate area of the Los Angeles exchange.

Rate.

Business commercial measured service.

(1) Switchboard rate—

Each switchboard position with battery and ringing power supply circuits and switchboard telephone, including dial in connection with trunk lines to a machine switching central office.

	Rate per month
Cordless type switchboard	$5 00
Cord type switchboard:	
Non-multiple—	
30 lines or less	7 50
31 to 80 lines	12 00
Over 80 lines	15 00
Multiple	18 00
Multiple station and trunk jacks in excess of one jack per line per strip of 10 jacks or portion installed	20

(2) Trunk rate—

First two trunk lines	8 00
Each additional trunk line, per trunk	3 00

(3) Message rate—

	Rate
Each exchange message	$0 03½

(4) Station rate—

	Without dial	With dial*
Each wall set	$1 00	$1 25
Each desk set	1 25	1 50

* Dial stations not to exceed one for each trunk line to a machine switching central office will be provided at the rate for non-dial stations.

(5) Auxiliary equipment—

	Rate per month
Each two-position order board with telephone set for each position	$7 50
Each line from order board to private branch exchange switchboard	1 25

Conditions.

(1) Each private branch exchange system will consist of at least one switchboard position, two trunk lines and four stations, excluding switchboard telephone.

(2) Cordless switchboards, with a maximum capacity of three trunk lines and seven stations, are provided with a standard desk station. Cord switchboards will be provided with a transmitter attached to the switchboard and a detachable single head receiver. Upon request of the subscriber, an operator's set, consisting of a single head receiver and chest type transmitter for each position will be provided, in lieu of the standard, for switchboards of two or three positions, without additional charge. Operators chairs will be provided with each multiple switchboard. The switchboards will be provided in standard finish at the time of the installation.

(3) The above rates are applicable to all private branch exchange service, except hotel service which is provided in hotels, rooming and apartment houses or to such portion of buildings in which rooms are let to the public for living quarters.

(4) Stations provided at the above rates are installed on the premises on which the switchboard is located. Stations will be installed off the premises provided they are for the use of the subscriber and are within the standard transmission limits. The above rates plus mileage rates are applicable to outside stations and to service provided outside the primary rate area and within the exchange area, except in South Pasadena rate area.

(5) Order boards provided at the above rates are installed on the premises on which the switchboard is located, and will consist of at least one position and four lines to the private branch exchange switchboard. Order boards will be installed off the premises at the above rates plus mileage rates, provided they are for the use of the subscriber and are within the standard transmission limits.

SCHEDULE No. A-7.

Business service—Intercommunicating systems—Los Angeles.

Service.

Applicable to business intercommunicating measured service furnished within the primary rate area of the Los Angeles exchange.

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Rate.

Business measured service:

(1) Station rate—

Each station, including receiving station, with or without dial, with switching device, on premises on which receiving station is located:

	Rate per month	
	Wall set	Desk set
10-line switching device	$1 50	$1 75
20-line switching device	1 75	2 00
30-line switching device	2 00	2 25

Each station, with or without dial, with switching device, off premises on which receiving station is located, but not exceeding 300 feet from receiving station:

10-line switching device	$2 50	$2 75
20-line switching device	2 75	3 00
30-line switching device	3 00	3 25

(2) Trunk rate—

	Rate per month
First two trunk lines	$8 00
Each additional trunk line	3 00 per trunk

(3) Message rate—

	Rate
Each exchange message	$0 05½

Conditions.

(1) Each intercommunicating system will consist of at least two trunk lines and four stations, including receiving station.

(2) The above rates plus mileage rates are applicable to service provided outside the primary rate area and within the exchange area, except in South Pasadena rate area.

SCHEDULE No. A-12.

Joint user service—Los Angeles and South Pasadena.

Service.

Applicable to joint user service furnished within the Los Angeles exchange area.

Rate.

Each joint user service in connection with—

	Rate per month
(a) Individual business—	
Measured service	$1 50
(b) Individual business—	
Coin box service	1 50
(c) Private branch exchange—	
Measured rate service, including intercommunicating system measured rate service	3 50

Conditions.

(1) The applicability of joint user service is determined by the obvious or actual use made of the service.

(2) The rate for joint user service includes a listing in the telephone directory and applies in addition to the rates and charges for the facilities and all other service provided. Joint user service is furnished upon application of the subscriber as follows:

a. Applications for the use of the subscriber's service by any individual, firm, company or association occupying jointly or in part the premises on which the primary station or private branch exchange switchboard is located. The subscriber's facilities or service are not to be extended off the premises to provide joint user service.

b. Applications for the use of the subscriber's service for another business conducted by the subscriber and differing in character and subject to a different classification from that for which the facilities are provided.

(3) In the case of individuals, firms, companies and associations engaged in the same business or profession, utilizing a common reception room with offices opening thereon or adjoining thereto, one of the number may become the subscriber and the remainder joint users. If the individuals or members of a firm, company or association file a joint income tax return, that will be accepted as sufficient evidence of a single business and joint user service is not applicable. Whenever any individual member of a firm, company or association does not substantially participate in the earnings of his fellow members of such firm, company or association, then that fact shall be conclusive evidence that he is a joint user and the joint user rate is applicable.

(4) The minimum charge for joint user service shall be the monthly rate, provided that if the service is listed in the telephone directory, it shall be paid for until the end of the directory period unless the subscriber's service is discontinued.

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SCHEDULE No. A-1.

Business service—Individual line—South Pasadena.

Service.

Applicable to business individual line measured service and individual line coin box service furnished in the South Pasadena rate area.

Rate.

	Rate	
(1) Business measured service—	Wall set	Desk set
Each individual line station—		
First 75 messages or less per month	$7 00	$7 25
Next 125 messages per month, per message	05	05
Over 200 messages per month, per message	03½	03½
Each extension station, per month	1 00	1 25
(2) Business coin box service—		
Individual line wall set—		
First five messages, or less, per day		30
All over five messages per day, per message		05
Individual line desk set—		
The above wall set rate, plus $0 25 per month.		
Extension stations—		
Each wall set	$1 00 per month	
Each desk set	1 25 per month	

Conditions.

(1) Extension stations at the above rates are installed on the premises on which the primary station is located. The above rates plus mileage rates are applicable to outside extension stations.

SCHEDULE No. A-5.

Commercial private branch exchange service—South Pasadena.

Service.

Applicable to commercial private branch exchange measured service furnished in the South Pasadena rate area.

Rate.

Business commercial measured service.

(1) Switchboard rate—

Each switchboard position with switchboard telephone including dial in connection with trunk lines to a machine switching central office.

	Rate per month
Cordless type switchboard	$5 00
Cord type switchboard—	
Non multiple.	
30 lines or less	7 50
31 to 80 lines	12 00
Over 80 lines	15 00
Multiple	18 00
Multiple station and trunk jacks in excess of one jack per line per strip of 10 jacks or portion installed	20
(2) Power supply circuit rate—	
Battery and ringing power supply circuits, each circuit	1 50
(3) Trunk rate—	
First two trunk lines	$11 00
Each additional trunk line	4 50 per trunk
(4) Message rate—	Rate
Each exchange message	$0 03½

	Rate per month	
(5) Station rate—	Without dial	With dial*
Each wall set	$1 00	$1 25
Each desk set	1 25	1 50

* Dial stations not to exceed one for each trunk line to a machine switching central office will be provided at the rate for non-dial stations.

	Rate per month
(6) Auxiliary equipment—	
Each two position order board with telephone set for each position	$7 50
Each line from order board to private branch exchange switchboard	1 25

Conditions.

(1) Each private branch exchange system will consist of at least one switchboard position, two trunk lines and four stations, excluding switchboard telephone.

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(2) Cordless switchboards, with a maximum capacity for three trunk lines and seven stations, are provided with a standard desk station. Cord switchboards will be provided with a transmitter attached to the switchboard and a detachable single head receiver. Upon request of the subscriber, an operator's set, consisting of a single head receiver and chest type transmitter for each position, will be provided, in lieu of the standard, for switchboards of two or three positions without additional charge. Operator's chairs will be provided with each multiple switchboard. The switchboards will be provided in standard finish at the time of installation.

(3) The above rates are applicable to all private branch exchange service, except hotel service, which is provided in hotels, rooming and apartment houses or to such portion of buildings in which rooms are let to the public for living quarters.

(4) Stations provided at the above rates are installed on the premises on which the switchboard is located. Stations will be installed off the premises provided they are for the use of the subscriber and are within the standard transmission limits. The above rates plus mileage rates are applicable to outside stations.

(5) Order boards provided at the above rates are installed on the premises on which the switchboard is located, and will consist of at least one position and four lines to the private branch exchange switchboard. Order boards will be installed off the premises at the above rates plus mileage rates, provided they are for the use of the subscriber and are within the standard transmission limits.

SCHEDULE No. A-7.

Business service—Intercommunicating systems—South Pasadena.

Service.

Applicable to business intercommunicating measured service furnished within the South Pasadena rate area.

Rate.

Business measured service:

(1) Station rate—

Each station, including receiving station, with or without dial, with switching device, on premises on which receiving station is located:

	Rate per month	
	Wall set	Desk set
10-line switching device	$1 50	$1 75
20-line switching device	1 75	2 00
30-line switching device	2 00	2 25

Each station, with or without dial, with switching device, off premises on which receiving station is located, but not exceeding 300 feet from receiving station:

10-line switching device	$2 50	$2 75
20-line switching device	2 75	3 00
30-line switching device	3 00	3 25

	Rate per month
(2) Trunk rate—	
First two trunk lines	$11 00
Additional trunk lines, per trunk	4 50
(3) Message rate—	Rate
Each exchange message	$0 02½
(4) Power supply circuit rate—	
Battery and ringing power supply circuits, each circuit	1 50

Conditions.

Each intercommunicating system will consist of at least two trunk lines and four stations, including receiving station.

Decision No. 15833.

IN THE MATTER OF THE APPLICATION OF SANTA BARBARA TELEPHONE COMPANY, A CORPORATION, FOR AUTHORITY TO CREATE A BONDED INDEBTEDNESS OF TWO MILLION ONE HUNDRED THOUSAND DOLLARS, TO SECURE THE SAME BY MORTGAGE OR DEED OF TRUST UPON ITS PROPERTIES AND THE PLEDGE OF COLLATERAL, AND TO ISSUE AND SELL SUCH BONDS OF THE PAR VALUE OF TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS.

Application No. 12273.

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Decided January 13, 1926.

SECURITIES—BONDS—TO ISSUE.—Santa Barbara Telephone Company, authorized to issue and sell $275,000 of general and refunding mortgage Series "A" 5½ per cent bonds, and to use the proceeds thereof as requested.

Chickering and Gregory, by *W. C. Fox*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order authorizing Santa Barbara Telephone Company—

1. To execute a mortgage or deed of trust;

2. To issue and sell $275,000 of general and refunding mortgage Series "A" 5½ per cent bonds secured thereby;

3. To issue and pledge, with the trustee under the general and refunding mortgage $118,500 of its first mortgage bonds; and

4. To pledge, with the trustee under the general and refunding mortgage, in addition to the $118,500 of bonds, the $125,000 of first mortgage bonds now pledged to secure the payment of the $100,000 of ten-year collateral trust notes now outstanding.

The company as of July 1, 1916, executed a deed of trust to Los Angeles Trust and Savings Bank to secure the payment of a total authorized issue of $700,000 of first mortgage 5 per cent bonds due July 1, 1936. Of the total amount it appears that $426,450 have been issued and are outstanding, $30,050 have been issued but have been retired through the operation of the sinking fund and $125,000 are pledged as collateral to secure the payment of $100,000 of notes, leaving a balance of $118,500 of bonds that have not been certified.

In addition to the deed of trust of July 1, 1916, the company, as of January 1, 1922, executed a trust indenture defining the terms and securing the payment of $200,000 of ten-year 6½ per cent collateral trust notes due January 1, 1932. Of these, $100,000 have been issued and are outstanding, $10,000 of them, however, being owned by applicant. They are secured by $125,000 first mortgage bonds deposited as collateral in the ratio of $1,250 face value of bonds for $1,000 face value of notes. Under the order of the Commission permitting the issue of the notes and the pledge of the bonds, such bonds, or a proper proportion of them, must be returned to applicant's treasury upon the payment or redemption of the notes and thereafter may not be disposed of except as authorized by the Commission. The application indicates that the notes were called for redemption on January 1, 1926, at the call price of 103.

The company now proposes to execute a new mortgage or deed of trust to be designated its general and refunding mortgage, to be dated as of January 1, 1926, and initially to secure the payment of a total

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authorized issue of $2,100,000 of bonds; an amount, however, that subsequently by proper action of its stockholders, may be increased to $10,000,000. A copy of the proposed mortgage or deed of trust has been filed in this proceeding as "Exhibit No. 2." Further consideration is being given said mortgage or deed of trust.

Permission is asked at this time to issue $275,000 of general and refunding bonds. These bonds are to be designated Series "A," are to be dated January 1, 1926, bear interest at 5½ per cent per annum, mature on January 1, 1946, and be callable on any interest payment date prior to maturity at 101. Arrangements have been made to sell them at 92 per cent of face value plus accrued interest.

At 92 the company will receive $253,000 for its bonds. It proposes to use this amount to pay indebtedness and to finance the cost of additions and betterments, and in this connection it reports that it desires to pay $90,000 of current indebtedness incurred to secure funds to pay the collateral trust notes, $68,000 of bills payable and $50,000 of trade acceptances, both representing moneys used for additions and betterments. Applicant reports its uncapitalized construction expenditures as of October 31, 1925, at $368,716.58 and its estimated needs for construction work at $175,000.

In addition to issuing the general and refunding bonds, the company asks permission to issue the remaining $118,500 of first mortgage bonds and to pledge such bonds, together with the $125,000 of bonds, returned to its treasury through the payment of the collateral trust notes, with the trustee under the new mortgage as collateral security for the general and refunding bonds.

ORDER.

Santa Barbara Telephone Company having applied to the Railroad Commission for permission to execute a mortgage or deed of trust to issue and sell general and refunding mortgage bonds and to issue and pledge first mortgage bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the application should be granted, as herein provided, and that the money, property or labor to be procured or paid for through the issue and sale or pledge of bonds, is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that, upon the effective date of this order, Santa Barbara Telephone Company may—

(1) Issue and sell at not less than 92 per cent of face value and accrued interest, $275,000 of general and refunding mortgage Series "A" 5½ per cent bonds due January 1, 1946.

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(2) Issue $118,500 of its first mortgage bonds and pledge such bonds with the trustee under the general and refunding mortgage as collateral security for the general and refunding mortgage bonds.

(3) Pledge with the trustee under the general and refunding mortgage as collateral security for the general and refunding mortgage bonds the $125,000 of first mortgage bonds which heretofore have been pledged as collateral security for the $100,000 of collateral trust notes to which reference is made in the foregoing opinion.

(4) Use the proceeds to be received from the issue and sale of the general and refunding mortgage bonds, other than accrued interest, to pay the outstanding current indebtedness of $90,000, the bills payable of $68,000, and the trade acceptances of $50,000, to which reference is made in the foregoing opinion and to finance in part the cost of the additions and betterments to which reference is also made. The accrued interest may be used for general corporate purposes.

It is hereby further ordered, that the authority herein granted will become effective when Santa Barbara Telephone Company is, by this Commission, authorized to execute the general and refunding mortgage or deed of trust, referred to herein, and when said company has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $275. Under the authority herein granted no bonds may be issued, sold or pledged after December 31, 1926.

It is hereby further ordered, that Santa Barbara Telephone Company shall keep such record of the issue and sale or pledge of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this thirteenth day of January, 1926.

DECISION NO. 15835.

IN THE MATTER OF THE APPLICATION OF THE MIDDLE YUBA HYDRO-ELECTRIC POWER COMPANY, A CORPORATION, AND PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING THE FORMER TO SELL AND CONVEY AND THE LATTER TO PURCHASE AND ACQUIRE THE PROPERTIES REFERRED TO IN THIS PETITION.

Application No. 12027.

Decided January 13, 1926.

TRANSFER—ELECTRIC UTILITY—SERVICE—TO ABANDON.—Middle Yuba Hydro-Electric Power Company authorized to sell its electric properties to Pacific Gas and Electric Company, for the sum of $65,000, and to discontinue service of electricity, the same to be taken over by purchaser.

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C. P. Cutten, for Pacific Gas and Electric Company, *Frank M. Nilon*, for The Middle Yuba Hydro-Electric Power Company.

BY THE COMMISSION.

OPINION.

The Railroad Commission is asked to make an order:

1. Authorizing The Middle Yuba Hydro-Electric Power Company to sell and convey to the Pacific Gas and Electric Company all of the properties which the former has agreed to sell and convey to the latter under and in accordance with the provisions of the agreement of sale (Exhibit A) dated October 15, 1925; and

2. Authorizing The Middle Yuba Hydro-Electric Power Company to cease furnishing and supplying electric energy in the territory in which it now furnishes electric service.

The Middle Yuba Hydro-Electric Power Company has agreed to sell its properties referred to in this application to the Pacific Gas and Electric Company for the sum of $65,000. Applicants, in their Exhibit No. 1, prepared by and under the direction of J. T. Ryan, estimate the cost to reproduce new the properties, using 1925 average costs, at $105,247. The estimated cost to reproduce properties new, using 5-year average costs (1915–1919), is reported at $88,580, and the depreciated reproduction cost on the basis of the 1925 costs at $76,474.

The Middle Yuba Hydro-Electric Power Company is engaged in the business of distributing and selling electric energy for light, heat and power and other lawful purposes in Nevada County, and particularly in the Alleghany Mining District. In general, its properties consist of eleven miles of high-tension transmission lines, substations, about ten miles of overhead distribution lines, transformers, meters, appliances, materials and supplies.

The agreement entered into between applicants provides that The Middle Yuba Hydro-Electric Power Company shall be entitled to collect and retain for its own use and benefit all sums of money due it from its consumers of electricity for electric energy sold and delivered by it up to the date of the delivery of the deed transferring the title to the properties to the Pacific Gas and Electric Company and shall pay and discharge all obligations, liability and indebtedness of every kind and character incurred by it. The agreement further provides that The Middle Yuba Hydro-Electric Power Company shall at the time of the delivery of the deed pay to the Pacific Gas and Electric Company all sums of money which the vendor shall then have on hand and which it shall have collected from its consumers as deposits for electric service or for the construction of electric lines or the installation of electric equipment and that the Pacific Gas and Electric Company shall assume the vendor's obligations to its consumers to repay the sums so collected, and paid by the vendor to the purchasing company.

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It is of record that the Pacific Gas and Electric Company intends to continue in effect for the time being the rates now charged by The Middle Yuba Hydro-Electric Power Company.

ORDER.

The Middle Yuba Hydro-Electric Power Company having applied to the Railroad Commission for permission to sell its electric properties to the Pacific Gas and Electric Company and discontinue its electric service, and Pacific Gas and Electric Company, having asked permission to purchase said properties, a public hearing having been held before Examiner Fankhauser and the Commission having considered applicants' request and being of the opinion that the transfer of the properties referred to in this application should be granted, as herein provided;

It is hereby ordered, as follows:

1. The Middle Yuba Hydro-Electric Power Company may sell, and Pacific Gas and Electric Company may purchase on or before July 1, 1926, all of the properties which the former has agreed to sell to the latter under the terms of the agreement (Exhibit A) filed in this proceeding, said sale to be made in accordance with the provisions of said agreement.

2. The Middle Yuba Hydro-Electric Power Company may cease to furnish and supply electric energy in the territory in which it now furnishes electric service, provided that the Pacific Gas and Electric Company undertake, on the acquisition of the properties referred to in this order, the furnishing of electric service to consumers now supplied by The Middle Yuba Hydro-Electric Power Company.

3. The Pacific Gas and Electric Company shall within thirty days after the acquisition of the properties herein authorized to be sold by The Middle Yuba Hydro-Electric Power Company file with the Railroad Commission a certified copy of the deed or bill of sale or other instrument of conveyance under which it acquires title to said properties.

4. The consideration being paid for said properties shall not be urged as a measure of the value of said properties for any purpose other than the transfer herein authorized.

Dated at San Francisco, California, this thirteenth day of January, 1926.

DECISION No. 15836.

IN THE MATTER OF THE APPLICATION OF SANTA MONICA BAY TELEPHONE COMPANY FOR AUTHORITY TO ISSUE STOCK AND BONDS FOR CASH.

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Application No. 12228.

Decided January 13, 1926.

SECURITIES—STOCKS AND BONDS—TO ISSUE.—Santa Monica Bay Telephone Company authorized to issue and sell at not less than 96 per cent of face value, and accrued interest, $300,000 of first and refunding mortgage 6 per cent bonds, Series of 1924, and $150,000 of its 7 per cent cumulative preferred stock, at not less than 95.

Mott and Vallee, by *John G. Mott*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application Santa Monica Bay Telephone Company asks permission to issue and sell at 96, $300,000 of its first and refunding mortgage "Series of 1924" 6 per cent bonds due September 1, 1944; and at 95, $150,000 of its 7 per cent cumulative preferred stock, and to use the proceeds to pay indebtedness, reimburse its treasury and finance the cost of additions, betterments, extensions and improvements.

Santa Monica Bay Telephone Company was organized on or about July 24, 1924, primarily for the purpose of acquiring and operating the properties formerly owned and operated by Santa Monica Bay Home Telephone Company. By Decision No. 14258, dated November 14, 1924, as amended, and Decision No. 14410, dated December 27, 1924, the Commission authorized the transfer of the properties and authorized applicant to issue $650,000 of common stock, $125,000 of 7 per cent preferred stock and $909,000 of first and refunding mortgage twenty-year 6 per cent bonds of the "Series of 1924." The common stock was issued against the reported equity in the properties, $239,000 of the bonds were issued to refund bonds of the old company, that had been assumed upon the acquisition of the properties, and the remaining bonds, $670,000 and the $125,000 of preferred stock were sold for cash; the bonds at 94 and the stock at 95.

These prices yielded the company $748,550. Of this amount it appears that $480,293.50 was used to pay, in part, indebtedness, and to reimburse reserves that had been assumed as part of the purchase price of the properties, and the balance, $268,256.50, to finance, in part, the cost of additions, betterments, extensions and improvements made by applicant during 1925.

It appears that applicant took over the properties it operates as of January 1, 1925. From that time up to October 31, 1925, the company reports that it expended for capital additions $458,441.52, of which amount $125,725.89 was not paid or provided through the issue of securities. In addition, the company reports that during the last two months of 1925 and during 1926 its capital expenditures will aggregate

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$383,800. The expenditures of $458,441.52 and of $383,800 are described in the application in some detail as follows:

	Expended during first ten months 1925	Estimated for last two months of 1925 and for 1926
Organization	$6,938 40	
Land	850 45	$25,000 00
Central office equipment	143,507 26	94,300 00
Building	23,345 35	125,000 00
Station apparatus	21,302 63	4,000 00
Station installation	4,274 37	5,000 00
Private branch exchange	2,937 19	6,000 00
Pole lines	28,530 30	8,200 00
Aerial cable	83,320 66	7,000 00
Aerial wire	19,824 50	30,200 00
Underground conduit	68,269 31	22,100 00
Underground cable	41,274 02	45,000 00
Office furniture and fixtures	7,102 41	
General	6,964 67	12,000 00
Totals	$458,441 52	$383,800 00

Applicant now asks permission to issue and sell the additional $300,000 of bonds and $150,000 of preferred stock, to finance in part the reported uncapitalized expenditures of $125,725.89 made prior to October 31, 1925, and the estimated expenditures of $383,800 made, or to be made, subsequent to that date. In this connection it asks permission to use $59,089.03 of the proceeds to pay current indebtedness incurred in making such expenditures; $36,362.06 to reimburse its treasury and reserves on account of earnings used for such purpose, and to use the remaining proceeds to pay in part the estimated expenditures of $383,800.

ORDER.

Santa Monica Bay Telephone Company, having applied to the Railroad Commission for permission to issue stock and bonds, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the money, property or labor to be procured or paid for through such issue, is reasonably required by applicant for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that Santa Monica Bay Telephone Company be and it hereby is authorized to issue and sell at not less than 96 per cent of face value plus accrued interest, $300,000 of its first and refunding mortgage 6 per cent bonds of the "Series of 1924" and at not less than 95, $150,000 of its 7 per cent cumulative preferred stock, and to use the proceeds other than accrued interest and dividends, to reimburse its treasury and its reserves to the extent of $36,362.06 representing

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earnings invested in property to pay current indebtedness in the amount of $59,089.03, referred to in this application, and to finance in part the cost of the additions, betterments, extensions and improvements, reported at $383,800, or pay indebtedness incurred because of the construction of said additions, betterments, extensions and improvements, as indicated in the foregoing opinion, provided that only such expenditures as are properly chargeable to capital accounts, as defined by the uniform classification of accounts prescribed or adopted by the Railroad Commission, may be financed with such proceeds. The accrued interest and dividends may be used for general corporate purposes.

The authority herein granted is subject to the following conditions:

1. Applicant shall keep such record of the issue, sale and delivery of the stock and bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted to issue bonds will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $300. The authority herein granted to issue stock will become effective upon the date hereof. Under such authority, however, no stock or bonds may be issued after December 31, 1926.

Dated at San Francisco, California, this thirteenth day of January, 1926.

DECISION NO. 15840.

IN THE MATTER OF THE APPLICATION OF SAN JOSE WATER WORKS, A CORPORATION, FOR PERMISSION TO RENEW OUTSTANDING NOTES.

Application No. 12391.

Decided January 13, 1926.

SECURITIES - NOTES - TO RENEW.— San Jose Water Works authorized to issue $500,000 of one-year, 6 per cent notes, to renew outstanding notes.

Leib and Leib, for Applicant.

BY THE COMMISSION.

OPINION.

In this application San Jose Water Works asks permission to issue $500,000 of one-year notes for the purpose of refunding outstanding notes.

In application No. 10689, filed with the Commission on December 23, 1924, the company reported that it had outstanding on November 30, 1924, $618,460 of short term notes which it alleged had been issued to

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secure funds to finance in part construction work during the period from April 30, 1923, to November 30, 1924. In that application it asked for and received permission to issue $589,100 of its common capital stock at 105 to pay such indebtedness and to issue short term notes in the aggregate amount of $618,460, to renew such notes in the event that it found it impossible to dispose of its stock readily.

The company now reports it has sold $355,100 of the stock authorized by the former decision and has applied the proceeds, amounting to $372,855, for the payment of the outstanding notes, leaving a balance of $245,605. In addition to these notes it reports that it has issued without an order from the Commission, as authorized by statute, short term notes in the aggregate amount of $254,395. These notes it alleges were issued to secure funds to finance temporarily capital expenditures made during the period between November 30, 1924, and December 1, 1925, which expenditures are reported in the application as follows:

Tangible capital:		
Land devoted to water operations:		
A. Source of water supply land	$9,935 00	
B. General office and other land	5,324 00	
Total land devoted to water operations		$15,259 00
Buildings, structures and grounds:		
A. Source of water supply, buildings and fixtures	$9,163 62	
B. Pumping station buildings and fixtures	2,800 88	
C. General office and other buildings and fixtures	2,901 86	
Total buildings, structures and grounds		14,866 36
Source of water supply:		
Intake and suction mains		5,191 22
Wells		11,043 32
Pumping station equipment:		
Pumping equipment		40,264 43
Transmission and distribution capital:		
Distribution mains and canals		133,869 63
Distribution reservoirs, tanks and standpipes		11,112 59
Hydrants, fire cisterns, fountains, etc.		1,359 60
Services		19,257 85
Meters and measuring devices		119,169 30
General capital:		
General equipment:		
A. General office equipment	$350 76	
B. General shop equipment	2,180 81	
C. General stable and garage equipment	5,424 55	
Total general equipment		7,956 12
Total fixed capital		$379,349 42

The outstanding notes aggregate $500,000. It appears that a great many of them are now due and payable and the company therefore

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asks the Commission to make an order authorizing it to renew them from time to time for a period of one year.

ORDER.

San Jose Water Works having applied to the Railroad Commission for permission to issue notes and the Commission being of the opinion that this is a matter in which a public hearing is not necessary and that the money, property or labor to be procured or paid for through such issue of notes is reasonably required by applicant for the purpose specified herein and that the expenditures for this purpose are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that San Jose Water Works be and it is hereby authorized to issue its notes in the aggregate amount of $500,000 payable on or before one year after date with interest at not to exceed 6 per cent per annum for the purpose of renewing the notes to which reference is made in the foregoing opinion.

The authority herein granted is subject to the following conditions:

1. Applicant may, if it so desires, issue its notes for a period of one year or less and may renew such notes from time to time provided that the combined terms of the notes originally issued under the authority herein granted and of those given in renewal do not exceed one year from the date of the notes originally issued under the authority herein granted.

2. Applicant shall keep such record of the issue and delivery of the notes herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $255. Under such authority no notes may be issued after one year from the date of this order.

Dated at San Francisco, California, this thirteenth day of January, 1926.

DECISION NO. 15848.

IN THE MATTER OF THE APPLICATION OF RIVER BEND GAS AND WATER COMPANY TO MAINTAIN PRESENT SCHEDULE OF GAS RATES.

Application No. 11797.

Decided January 14, 1926.

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RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—River Bend Gas and Water Company ordered to place in effect automatic reduction in gas rates which was postponed by Decision No. 15556, dated October 21, 1925, to permit utility to recoup losses, occasioned by price of oil being above base price. Schedule B, Commercial Service, placed on automatic basis.

BY THE COMMISSION.

FIRST SUPPLEMENTAL ORDER.

Whereas, this Commission in its Decision No. 15556, dated October 21, 1925, in the above entitled matter, authorized River Bend Gas and Water Company to continue in effect the base rates established in Decision No. 11095, unless otherwise ordered, until the regular meter readings taken in February, 1926, in order that said company might be fully reimbursed for a loss in revenue incurred through the operation of Decision No. 14595; and

Whereas, River Bend Gas and Water Company has made affidavit that effective October 27, 1925, the price of oil was reduced to $1.30 per barrel f.o.b. Dinuba, which is 35 cents below the base price established in Decision No. 11095; and

Whereas, it now appears that as a result of said reduction in the price of oil the losses referred to will be fully recouped by January 10, 1926; and

Whereas, the Commission in Decision No. 15556 also modified Decision No. 11095 with reference to schedule "A" of the River Bend Gas and Water Company so that such rates shall be subject to increase or decrease with variation in the price of oil above or below a base price of $1.65 per barrel f.o.b. Dinuba; and

Whereas, it appears that the same modification should have been applied to schedule "B" of River Bend Gas and Water Company, applicable to commercial and restaurant service;

It is hereby ordered, that

(1) River Bend Gas and Water Company reduce its rates designated as schedules "A" and "B" effective for all regular meter readings taken on and after January 10, 1926, so that said rates shall be ten (10) cents per thousand cubic feet less than the basic rates established in Decision No. 11095.

(2) Decision No. 11095 (22 C. R. C. 391), dated October 9, 1922, in Case No. 1806, be and same is hereby modified so as to provide with reference to schedule "B" of River Bend Gas and Water Company that such rates be subject to increase or decrease, upon approval of the Commission, on the basis of three (3) cents per thousand (1000) cubic feet of gas for each ten (10) cents increase or decrease in the price of oil above or below the price of $1.65 per barrel f.o.b. Dinuba, provided further, no increase in such rates shall be made after the cost of oil to applicant exceeds $2.15 per barrel f.o.b. Dinuba.

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(3) River Bend Gas and Water Company file with this Commission on or before January 20, 1926, a revision of its schedules to comply with this order.

Dated at San Francisco, California, this fourteenth day of January, 1926.

DECISION No. 15849.

IN THE MATTER OF THE APPLICATION OF PACIFIC ELECTRIC RAILWAY COMPANY, A CORPORATION, FOR AN ORDER GRANTING PERMISSION TO INCREASE STREET CAR AND MOTOR COACH RATES OR FARES IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

Application No. 11049.

Decided January 14, 1926.

RATES—ELECTRIC RAILWAY—MOTOR COACH.—Finding there is no showing applicant holds certificate from the Railroad Commission for its motor coach service in Pasadena, but that the Pacific Electric Land Company holds a franchise for the same from the city, the Commission holds that it has no jurisdiction over such rates, service being entirely within the city. Application dismissed.

RATES OF RETURN.—Finding that applicant is earning in excess of six per cent on its local street railway operations on an investment of $814,490, according to applicant's statement, the Commission holds that it does not appear that applicant is entitled to an increase in its street car rates or fares. Application dismissed.

Frank Karr, for Applicant.
J. H. Howard, City Attorney, for City of Pasadena.
George A. Damon, for Pasadena Engineers' Society.

SEAVY, *Commissioner*.

OPINION.

Pacific Electric Railway Company in the above application asks this Commission for an order granting it permission to increase street car and motor coach rates or fares in the city of Pasadena, county of Los Angeles, State of California.

Public hearings were held in this matter in Pasadena June 5, 1925, and August 26, 1925.

In the application it is alleged that the operation of street railway and motor coach service for the year ending January 31, 1925, resulted in a loss to the company of $162,506.08. Certain corrections were subsequently made reducing this amount and the final amended loss, as determined by the company and shown in their Exhibit C-1, amounted to $145,816.01. This loss as claimed by the company includes an interest charge on investment at 6 per cent of $72,445.45 and a net operating loss on its motor coach division of $124,203.67, leaving a net income on its street railroad properties, before interest, of $50,833.11.

There is brought clearly before the Commission in this proceeding the question of its legal authority to fix rates on bus transportation

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within the limits of a municipality. While there has been slowly developing in California cities the use of the bus as a competitor of, a substitute for, or a supplement to, street railway service, in no previous instance in formal proceedings before this Commission has bus transportation been other than incidental and therefore not a determining factor in the fixing of rates.

The question raised by the city attorney of the jurisdiction of this Commission over service has no bearing upon the issues here involved and need not be discussed.

The power of the Commission to fix rates on street railroads, whether operating within a single municipality or not, exists by virtue of the provisions of the Public Utilities Act and is well established. The power of the Commission to fix rates of transportation companies operating motor vehicles on the public highways exists by virtue of the provisions of chapter 213, Statutes of 1917, and acts amending said statute, section 1 of which specifically excludes from the Commission's jurisdiction such transportation companies as operate exclusively within the limits of an incorporated city or town.

A summary of the facts regarding the operations of bus and street railroads in Pasadena, in addition to those already recited, and the official acts of the city and the Commission in relation thereto will be illuminating in reaching conclusions in the matter before us.

The extent of the two services and their inter-relation is shown in a general way in the following table taken from applicant's Exhibit J, the figures being for the year ending January 31, 1925:

	Street cars	Auto busses
Passenger car miles	1,294,609	1,803,053
Revenue passengers	5,681,972	5,571,439
Transfer passengers	580,518	875,208
Free passengers	213,156	161,716
Total passengers	6,475,646	6,608,363

Exhibit 1 introduced by the Commission engineers shows that in their operations the busses are in direct competition with the street cars in the business district of the town and are in effect an independent service.

Until 1923 the street railroad had attempted to serve the entire city and for several years previous to 1923 had been subjected to competition by independent bus operators under permit of the city council. In December, 1922, the city voted on the matter of instituting a municipal bus service through a proposed bond issue of $500,000. This failed of a two-thirds vote and the proposal was abandoned. Following this the city and the company entered into negotiations looking toward a combined street car and bus service.

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On May 29, 1923, this Commission, under Application No. 9045, Decision No. 12151, allowed applicant to suspend street car service on the Tournament park, East Washington street, East Orange Grove avenue and North Orange Grove avenue street railway lines, it being understood that bus service would be substituted.

The applicant at this time and subsequently proceeded in the purchase of the equipment of bus operators in the city and prepared to put in its own bus service.

On July 9, 1923, the city council of Pasadena adopted Ordinance 2130, the salient features of which were the granting of exclusive rights to Pacific Electric Land Company (a company affiliated with the Pacific Electric Railway Company) to operate bus service in Pasadena in addition to and in some instances as substitution for street railway service, subject to determination by the city of routes and schedules for operation and type of bus to be used, and conditioned upon the rates then in effect remaining in effect until at least December 31, 1924. Provision was made for transfers between the two forms of transportation to be given without additional charge. This ordinance provided for the suspension of street car service and the substitution of bus service within the city and on East Washington street outside the city limits for a distance of a mile, the line serving the portion of the city to the south.

On March 11, 1924, by Ordinance 2204 the city gave consent to the abandonment of street railroad tracks on East Washington street partly within and partly without the city of Pasadena, and on April 21, 1924, under Application No. 9633, Decision No. 13442, this Commission granted authority to applicant to remove said tracks.

On October 28, 1924, by Ordinance 2285 the city gave consent to the abandonment of street railroad tracks on the West Colorado street, Orange Grove avenue, Los Robles avenue, Washington street and California street lines, and on January 8, 1925, under Application No. 10690, Decision No. 14447, this Commission granted authority to applicant to remove said tracks.

Pacific Electric Railway Company has applied for and has been granted certificate to operate motor busses between Pasadena and points outside in conducting other service, but no application for certificates has been filed with this Commission by said company or by Pacific Electric Land Company to cover the service considered in the present proceeding. Neither has any other party been so before the Commission.

It seems apparent (1) that Pacific Electric Railway Company holds no permit, grant or certificate to operate the motor bus service here considered; (2) that the Pacific Electric Land Company, the party holding such right, is not before the Commission in this proceeding;

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(3) that such right as has been granted said land company was given by the city of Pasadena, is for operation exclusively within the city of Pasadena and as such is wholly under the jurisdiction of said city, both as to service and rates; (4) that the only matter within the jurisdiction of this Commission to be determined at this time under this application, is the fixing of just and reasonable rates of fare on applicant's street railway system in the city of Pasadena.

A detailed statement of the results of the operation of the applicant's street railway system for the year ending January 31, 1925, as shown in the Pacific Electric Railway Company's Exhibit C-1 follows:

Operating revenue	$313,473 36
Operating expenses	244,632 08
Net revenue	$68,841 28
Taxes	18,008 17
Net income	$50,833 11
Interest on investment at 6% per annum	48,869 37
	$1,963 74

In the above tabulation the company has figured interest at 6 per cent on the investment as amounting to $48,869.37. This is 6 per cent of $814,490.

It thus appears that under applicant's own representation it is earning in excess of 6 per cent on its local street railroad operations in Pasadena. In view of this fact it does not appear that applicant is entitled to an increase in its street car rates or fares.

The following form of order is recommended:

ORDER.

Pacific Electric Railway Company having applied to this Commission for an order increasing its street car and motor coach rates or fares in the city of Pasadena, public hearings having been held, the matter being under submission and ready for decision; and

Basing its order upon the finding that the only matter that can be determined by this Commission in this proceeding is the fixing of just and reasonable rates or fares on applicant's local street railroad system in Pasadena and other findings of fact as appearing in the opinion preceding this order;

It is hereby ordered, that the application of the Pacific Electric Railway Company be and it is hereby denied.

Dated at San Francisco, California, this fourteenth day of January, 1926.

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Decision No. 15852.

IN THE MATTER OF THE INVESTIGATION ON THE COMMISSION'S OWN MOTION OF THE REASONABLENESS OF THE RATES, CHARGES, PRACTICES, CONTRACTS, RULES, REGULATIONS, SCHEDULES AND CONDITIONS OF SERVICE OR ANY OF THEM OF W. T. ESTEP, E. J. WHITNEY AND HARRY L. PERSON, OPERATING A PUBLIC UTILITY WATER SYSTEM IN TRACT NO. 4824, LOS ANGELES COUNTY, CALIFORNIA.

Case No. 2165.

Decided January 15, 1926.

COMMISSION'S INVESTIGATION—RATES AND SERVICE—WATER UTILITY.—E. J. Whitney and Harry L. Person are directed to resume service of water on system owned by them in Maravilla Park Tract, Los Angeles County. Rates established.

REFUND.—The Commission reserves the right in case its order is not obeyed, to order a refund of all money collected for water services heretofore rendered without proper compliance with the Commission's order in Decision No. 14093.

Carl W. Faucett, for E. J. Whitney.
Glenn Behmyer, for W. T. Estep.
H. L. Person, in propria persona.
Walter Burk, for J. D. Millar.

BY THE COMMISSION.

OPINION.

This is a proceeding instituted by the Railroad Commission upon its own motion to investigate the service conditions, practices and methods of operation, etc., of the public utility water system serving Tract No. 4824, Los Angeles County, also known as Maravilla Park Tract, the certificate of public convenience and necessity to operate said system having been granted by the Commission to W. T. Estep, E. J. Whitney and Harry L. Person. On September 2, 1925, E. J. Whitney filed with the Commission a notice in writing dated August 30, 1925, that it was his intention to abandon the entire Maravilla water system and discontinue water service. The Commission therefore instituted the above entitled case upon its own motion and a public hearing thereon was held before Examiner Williams after all interested parties had been duly notified.

According to the evidence Maravilla Park or Tract No. 4824 was originally subdivided by one J. D. Millar, who installed a water distributing system, drilled a well which was about 600 feet in depth, put in a pumping plant and a 10,000-gallon storage tank. Individual service connections were not installed to each house, but about fifty yard standpipes were installed throughout the system and no charge was made for water service until the spring of 1924, at which time the Los Angeles County Board of Health condemned the well supplying the tract as polluted and declared the water unfit for human consumption. Millar thereupon supplied the consumers by hauling water in tank wagons while a new well was drilled on the tract. Unfortunately this

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well failed to produce water and the service by tank wagon was continued.

In order to provide an adequate water supply and dependable service to Maravilla Park and three other subdivided tracts and to be relieved of the responsibility of furnishing water on them, Mr. Millar entered into a contract under date of July 22, 1924, with the said Estep, Person and Whitney, which provided for the taking over and operation of the water system on the Maravilla Park tract, together with three other similar systems, two at Lankershim and one at Gardena. These water properties were to be improved, a water supply obtained wherever necessary, and the systems to be operated as public utilities under the jurisdiction of the Railroad Commission. In consideration for taking over these water systems Mr. Millar gave one lot in each tract for the locations of wells, pumping plants, tanks, etc., and $14,000 in notes, all of which were delivered and acknowledged in the contract. Mr. Millar testified that he was led to believe that arrangements had been made with the Belvedere Water Corporation, a public utility, to take over the system on the Maravilla tract, and consolidate it with its system.

Under the terms of the above agreement Estep, Person and Whitney took over the operation of the Maravilla system, and on July 26, 1924, filed with this Commission an application, No. 10335, for a certificate of public convenience and necessity to serve the tract. This certificate was granted by Decision No. 14043, dated the eleventh day of September, 1924. In the mean time the service by tank wagon was continued by the new operators while methods of obtaining water were being investigated. About this time an epidemic broke out in this community, in which a large majority of the population is of Mexican origin, and in order to control the ravages of the disease the Board of Health refused to permit the further distribution of water by wagon. Through the efforts of the Commission arrangements were made to secure a temporary water supply for this emergency from the mains of said Belvedere Water Corporation, and water was first received from this source on the 27th of November, 1924.

On the 10th of January, 1925, the operation of the Maravilla system was turned over to the Consolidated Water and Development Company, a corporation operating several small public utility water systems in various parts of Los Angeles County, and whose majority stockholders at this time were Whitney and Person, who according to the testimony had acquired all the interests of Estep in the Maravilla system and in the said Consolidated Water and Development Company on the second day of September, 1924.

A contract was made by and between the Consolidated Water and Development Company and the Belvedere Water Corporation, in which the latter agreed to furnish the water at wholesale for the Maravilla

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tract for a period of three months only to permit other arrangements to be made for the development of a permanent water supply for the tract. This contract was extended from time to time until the said Consolidated Company notified the Belvedere Water Corporation that it would discontinue the operation of the Maravilla system on the 20th of August, 1925, but in fact actually continued operation until September the first. On the second day of September, 1925, E. J. Whitney filed a written notice with the Commission to the effect that the Maravilla system had no permanent water supply, was operating at a loss and that therefore it was his intention to abandon the entire system together with all the machinery, well, pipe lines and all other appurtenances thereto and to discontinue the service of water. As a matter of fact, service had already been discontinued by the owners on the last day of August, 1925.

As above mentioned, a certificate of public convenience and necessity was applied for on July 26, 1924, by Estep, Person and Whitney, but according to the evidence now before us, before this certificate was granted Estep had disposed of his interest in the Maravilla system to Person and Whitney, on September 2, 1924. The certificate, however, was granted to Estep, Person and Whitney. According to the testimony of Person, his interests in both the Maravilla Park system and the Consolidated Water and Development Company were transferred or assigned to Carl W. Faucett. From these facts it would appear that Estep had no interest in the Maravilla system at the time the authority to operate as a public utility was granted by the Commission, but as the transfer of Person's interest in the utility system was made subsequent to the granting of the certificate and without authority from the Commission, it is clear that for the purposes of this proceeding both Person and Whitney are still responsible for the operation of this utility.

According to the evidence Millar expended a total of $11,805 on the water system in the Maravilla Park tract. Of this amount $5,288 was expended on the mains and services and $3,336 was expended in drilling for a new water supply. Under the contract with Millar four lots and $14,000 in notes were paid Estep, Person and Whitney to rehabilitate the Maravilla system and three others. No money was ever expended by these three on two of the systems at Lankershim, as the entire service areas of both were annexed to the city of Los Angeles, which furnished water to the residents through its municipal system.

As matters actually worked out, practically no money was spent on the three other water systems covered in the agreement with Millar, so that there was in fact practically the entire consideration of $14,000 and the real property available to rehabilitate the Maravilla system. All money spent by Estep, Person and Whitney in obtaining a water supply for the Maravilla tract in operating the system was really fur-

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nished by and paid by the Consolidated Water and Development Company. Details of these expenditures were filed by the Consolidated Water and Development Company subsequent to the hearing of this case by agreement of parties, and show a total of $4,048, which included all operating costs. Without considering the revenues collected during the year, amounting to $1,777, it is apparent from these facts that the operators of the system had in no wise lost money on the transaction but on the contrary had profited very handsomely during the period they had conducted the operation of the system.

The evidence shows that the cost of the distribution system including service pipes as installed by Millar was $3,288. As the entire system was acquired by the present owners not only without cost but with a bonus, and as the well, pumping plant and tank are no longer used or required with a water supply as furnished by the Belvedere Water Corporation, the consumers can only be fairly charged with that part of the system which is used and useful.

Based upon the schedule of rates established in the certificate granted this utility, the revenues actually collected from the consumers on this system from January to and including August, 1925, amounted to $1,777. The testimony shows that the complete collections were not made for the last month's operation, so that the revenues receivable for the above eight months' period should be $1,956.

Details of operating expenses from September 30, 1924, to August 31, 1925, were also filed after the hearing. These items totaled $2,026.03, and included $1,746.03 for purchase of water and $280 for expense of collections from January, 1925, to August 31, 1925, as collections were not made previous to January 1, 1925. The expenses from January to and including August, 1925, during which collections were made amounted to approximately $1,910.

No segregation of expense of repairs was possible, as these were made by employees of the Consolidated Water and Development Company whenever required, and not charged to the Maravilla Park system, but were estimated to be about $10 per month. No showing was made as to the cost of supervision as this item is also included in Consolidated Water and Development Company expenses and can not be segregated readily. The eight months' period of operation in 1925 included the summer months when the demand and use of water is greatest and the expense for purchasing water is at the maximum. Had the operations of the system been carried on for a complete year, the expense for water purchases would have decreased with the advent of the cooler weather, and the total revenues for the year would have exceeded the expenses including such items as purchase of water, collections and repairs.

Since the submission of this matter the Belvedere Water Corporation has filed with this Commission a special rate for water delivered

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to the present Maravilla Park system in wholesale quantities of 15 cents per 100 cubic feet. The rate heretofore paid to this company for purchased water in the expense item set out above was 25 cents per 100 cubic feet. This represents a reduction of 40 per cent in the major item of operating costs of the Maravilla system. Based upon this reduced cost of purchased water and the cost of maintenance and operation set out above, the reasonable annual operating costs including depreciation annuity for the immediate future will very closely approximate $3,500. Based upon the schedule of rates as established in Decision No. 14043 for this system, the annual revenues may reasonably be estimated to be $3,150 for the immediate future.

Under existing operating conditions it is clear that the present rates will have to be readjusted somewhat in order to produce a reasonable net return upon the investment. Accordingly the order herein will provide for an increased schedule of rates which a careful consideration of the evidence indicates should yield a reasonable return upon the capital invested in used and useful property, over and above the costs of operation, maintenance and depreciation allowance.

It is clear from the facts set out herein that the owners of this utility have without authority from this Commission discontinued the public utility service of water to the consumers they had obligated themselves to serve. It is equally apparent that these same owners have in no sense of the word lost money by reason of their ownership or operation of the system. On the contrary the evidence plainly shows that these owners have profited to the extent of several thousand dollars. The facts also show conclusively that this system can at the present time be operated and yield a fair return upon the capital invested in the used and useful property over and above the reasonable maintenance and operating expenses including a proper allowance for depreciation. Obviously there can be no question raised in this case that the continued operation of this system will result in an out-of-pocket loss to owners and operators. The Commission is therefore of the opinion that E. J. Whitney and Harry L. Person should at once reundertake the operation and responsibilities of rendering water service to the Maravilla Park Tract, which is now being temporarily served by the Belvedere Water Corporation, as a matter of public accommodation, although the latter is under no legal or other duty so to do. Said Person and Whitney will be held responsible for this service until such time as they may be properly relieved by order of this Commission.

ORDER.

The Commission having made an investigation upon its own motion into the rates, charges, practices, rules and conditions of service of

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W. T. Estep, E. J. Whitney and Harry L. Person, operating a public utility water system in Tract 4824, Los Angeles County, public hearings having been held thereon, the matter having been submitted and the Commission now being fully informed in the matter;

It is hereby ordered,

1. That for the reasons set out in the opinion which precedes this order, E. J. Whitney and Harry L. Person be and they are hereby directed to take control of the water system owned by them in Tract No. 4824, also known as Maravilla Park Tract, in Los Angeles County, and on or before the first day of February, 1926, resume water service to all persons entitled thereto.

2. That said E. J. Whitney and Harry L. Person be and they are hereby directed to notify this Commission in writing not later than the second day of February, 1926, of the date upon which they have resumed service to the consumers in Tract No. 4824 as ordered in paragraph 1 above.

3. That the Commission reserves the right, in case the said E. J. Whitney and Harry L. Person do not comply with the terms of this order, to direct them by supplemental order to refund to their consumers in said Maravilla Park Tract, or Tract No. 4824, all moneys collected for water services heretofore rendered by them or their agents, without proper compliance with the terms of the Commission's order in Decision No. 14043.

4. That E. J. Whitney and Harry L. Person be and they are hereby directed to file with this Commission within twenty (20) days from the date of this order, the following schedule of rates for all water delivered to consumers in Maravilla Tract, Los Angeles County:

Monthly Meter Rates.

From 0 to 500 cubic feet, per 100 cubic feet	$0 35
All over 500 cubic feet, per 100 cubic feet	25

Monthly Minimum Rates.

For ¾-inch meter	$1 50
For 1-inch meter	2 50
For 1-inch meter	4 00

Each of the foregoing monthly minimum charges will entitle the consumer to the quantity of water which that minimum will purchase at the "monthly meter rates."

Monthly Flat Rates.

(a) Residence of 5 rooms or less	$1 75
For each additional room	25
Additional for each private barn or garage with not more than two horses or cows or one automobile	25
For each additional automobile	25
For each additional horse or cow	20
(b) Sprinkling or irrigation of lawns, shrubbery, trees, gardens, etc., per 100 square feet	06

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For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this fifteenth day of January, 1926.

DECISION No. 15861.

IN THE MATTER OF THE APPLICATION OF SOUTHWEST STORAGE COMPANY, INC., A CORPORATION, FOR AUTHORITY TO INCUR INDEBTEDNESS.

Application No. 12373.

Decided January 15, 1926.

SECURITIES—NOTES—TO ISSUE.—Southwest Storage Company, Inc., authorized to issue its note for $2,000.

Merriam, Rinehart and Merriam, for Applicant.

BY THE COMMISSION.

OPINION AND ORDER.

Southwest Storage Company, Inc., has applied to the Railroad Commission for an order authorizing it to issue an installment note for $2,000 to secure funds to be used for working capital and to pay assessments levied on its property for street improvements.

By Decision No. 13249, dated March 7, 1924, in Application No. 9708, the Commission authorized applicant to execute a deed of trust to W. T. Bill and A. E. Ball, as trustees, to secure the payment of a note, or notes, in favor of Redlands Building-Loan Association in the principal amount of $6,000 and additional amounts not to exceed $4,000, the total amount to be secured being $10,000. The decision permitted the issue at that time of a $6,000 note, secured by such deed of trust, payable in equal monthly installments of $84 over a period of 107 months for the purpose of financing the cost of a warehouse building. There is now $5,255 due on said note. The $2,000 note, applicant now asks permission to issue, will be secured by the same deed of trust, being part of the additional indebtedness of $4,000, and will be payable in the same manner and in the same proportion as the $6,000 note authorized by Decision No. 13249.

Southwest Storage Company, Inc., is engaged in the warehouse and storage business in San Bernardino, and, as an adjunct thereto, in the wholesale and retail grain and feed business. It reports that it has need for ready capital to use in connection with the handling of carload lots of grain and it therefore asks permission to use the proceeds received through the issue of the note, in part, for working capital. It also reports that since its organization, the city streets, I, Ninth and Tenth, upon which its property fronts, have been improved with con-

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crete pavement, gutters, curbs, etc., and that it has become indebted for such improvements, by means of assessments, in a sum of at least $2,000. It seeks to meet this indebtedness in part with the note proceeds.

The Commission has given consideration to this application and is of the opinion that this is a matter in which a public hearing is not necessary and that the money, property or labor to be procured or paid for is reasonably required by applicant; therefore,

It is hereby ordered, that Southwest Storage Company, Inc., be and it is hereby authorized to issue its note for $2,000, payable in installments as indicated herein and secured by the deed of trust heretofore authorized to be executed by Decision No. 13249, to provide working capital and to pay in part the assessments levied on its properties for improvements, as indicated in the application.

The authority herein granted is subject to the following conditions:

1. Applicant shall keep such record of the issue and delivery of the note herein authorized and of the disposition of the proceeds, as will enable it to file, on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted shall become effective when applicant has paid the minimum fee prescribed by section 57 of the Public Utilities Act, which fee is $25.

Dated at San Francisco, California, this fifteenth day of January, 1926.

Decision No. 15865.

IN THE MATTER OF THE APPLICATION OF REEDLEY TELEPHONE COMPANY, A CORPORATION, FOR AUTHORITY TO PLACE IN EFFECT CERTAIN CHARGES.

Application No. 12419.

Decided January 15, 1926.

RATES—TELEPHONE UTILITY—MOVES AND CHANGES.—Reedley Telephone Company authorized to place in effect standard charge of $3 for moves and changes in type of equipment.

BY THE COMMISSION.

ORDER.

Whereas, Reedley Telephone Company, having filed an application with this Commission requesting authority to file and place in effect certain rules and regulations relative to charges for moves and changes of telephone apparatus; and

Whereas, this Commission found certain rules and regulations to

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be reasonable in its Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations and it appearing that applicant's request is reasonable and that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Reedley Telephone Company be and it is hereby authorized to file with this Commission, effective as of February 1, 1926, the following rules and regulations:

1. *Moves and Changes.*

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber will be made by the company, and the charges for such work will be as follows:

A. Telephone sets:

1. Moving from one location to another	$3 00
2. Change in type or style	3 00

C. Other equipment and wiring:

Charges for moving or changing of equipment or wiring, other than that included under A above will be an amount equal to the actual cost of labor and material involved.

D. Maintenance:

The charges specified above do not apply if the changes or moves are initiated by the telephone company and required for the proper maintenance of the equipment or service.

E. Change in class of service:

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478, except as modified in section 1, above, and as may be approved by this Commission.

Provided said rules and regulations be filed with this Commission on or before January 30, 1926.

Dated at San Francisco, California, this fifteenth day of January, 1926.

DECISION No. 15868.

VERNON OIL REFINING COMPANY

vs.

PACIFIC ELECTRIC RAILWAY COMPANY.

Case No. 2161.

Decided January 18, 1926.

RATES—ELECTRIC RAILROAD—CRUDE OIL.—Defendant ordered to remove discriminatory rate of 4 cents per hundred pounds for transportation of crude oil between Oleo and Los Angeles. Reparation denied.

B. H. Carmichael and *Gleason, Cleve, Van Dine and Turcotte*, by *F. W. Turcotte*, for Complainant.

C. W. Cornell and *G. F. Squires*, for Defendant.

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SQUIRES, *Commissioner.*

OPINION.

Complainant is a corporation engaged in the business of producing, buying, refining, blending and selling petroleum products, including crude oil, with its principal place of business at Los Angeles. By complaint filed August 28, 1925, complainant alleges that the rate assessed by the defendant during a period of two years immediately preceding that date, for the transportation of crude oil moving from Oleo to Los Angeles, was and is excessive, unjust and unreasonable, in violation of section 13 of the Public Utilities Act, and unduly discriminatory and prejudicial to complainant, and unduly preferential to the shipping points of Los Nietos, Whittier, El Segundo, Burnett, San Pedro, Wilmington, East San Pedro, Long Beach, East Long Beach, Montebello, and various other shipping points in Los Angeles County, in violation of section 19 of the act. Reparation on past shipments and rates for the future are asked.

The shipments, 893 in number, moved in tank cars over the Pacific Electric Railway from Oleo to Los Angeles, a distance of 25 miles. A rate of 4 cents per 100 pounds was collected.

The rate sought by complainant is 3 cents per 100 pounds, the same as is concurrently maintained by the defendant on crude oil from the following points: Wilmington, San Pedro, El Segundo, Long Beach, East Long Beach and Los Nietos to Los Angeles, the distances from those points to Los Angeles being, respectively, 19, 21, 17, 21, 19 and 13 miles.

A public hearing was held at Los Angeles December 9, 1925, and the case having been submitted is now ready for an opinion and order.

The record in this case shows that by Decision No. 7252, decided March 12, 1920 (17 C. R. C. 894), the Commission prescribed as reasonable a rate of 4 cents per 100 pounds from El Segundo, Wilmington, San Pedro, Stewart, and Oleo to Los Angeles, which had the effect of placing all of those points on a rate parity; that the rate of 4 cents from all the points named to Los Angeles was increased to 5 cents in *Ex parte 74*, I. C. C., that proceeding being part of a general advance in all freight rates which was ratified by this Commission in Decision No. 7983, August 20, 1920 (18 C. R. C. 646); that on February 28, 1922, the Pacific Electric Railway Company voluntarily reduced the rate from San Pedro, Wilmington and El Segundo to Los Angeles to 3 cents per 100 pounds, making no adjustment in the rate from Oleo to Los Angeles until May 31, 1922, when it voluntarily reduced the Oleo rate to 4 cents.

Complainant contends that inasmuch as the Commission established the rates from El Segundo, Wilmington, San Pedro and Oleo to Los Angeles on a parity, any subsequent adjustment from El Segundo,

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Wilmington and San Pedro to Los Angeles should likewise, in order to prevent discrimination, have been reflected in the rate from Oleo to Los Angeles.

Crude oil shipped from Oleo to complainant's refinery at Los Angeles is purchased at the same market prices as crude oil purchased at San Pedro, Wilmington and El Segundo. It is alleged that the 1 cent per 100 pounds difference in freight charges between those points creates discrimination, as complainant markets its crude oil at Los Angeles in competition with oil companies shipping oil to Los Angeles from San Pedro, Wilmington and El Segundo, which latter pay a lower transportation cost.

In support of its allegation that the present rate is unreasonable complainant submitted numerous exhibits showing various rate comparisons on crude oil and earnings per ton mile as contrasted with rates for similar hauls. It also compared the assailed rates on crude oil with rates on other commodities, such as acid, asphalt, sugar beets, beet pulp, water, etc., concurrently in effect in the territory contiguous to Los Angeles for distances ranging from 9 to 40 miles. These comparisons have been given consideration, but they are of small probative value, since neither of the parties offered any evidence showing whether or not, with respect to movement, the commodities named bear any relationship to crude oil.

Witnesses for the defendant, in support of the propriety of reducing the rates from San Pedro, Wilmington and El Segundo to Los Angeles, testified that the transportation expense of hauling crude oil from those points to Los Angeles was less than the cost of hauling crude oil from Oleo to Los Angeles, the distance between Los Angeles and San Pedro being 12 per cent less than between Oleo and Los Angeles; 22 per cent less between Wilmington and Los Angeles, and 44 per cent less between El Segundo and Los Angeles. They further stated as a fact, which was not contradicted, that train loads of freight are moved from El Segundo to Los Angeles, whereas the movement of freight from Oleo is light.

Expert witnesses for the defendant also testified that while the Pacific Electric Railway Company is earning more than the out-of-pocket cost of handling this traffic from Oleo at 4 cents per 100 pounds, it is not contributing its just share toward the expense of operating the railroad, such as transportation and general expenses, interest, depreciation, etc. Testimony was also given by the defendant showing that on crude oil moving from El Segundo to Los Angeles, tank cars owned by shippers are operated on a mileage basis, while for oil from Oleo the carriers are forced to lease equipment upon a per diem charge at a greatly added expense, since defendant has

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not sufficient tank cars to supply the demands of the shippers located on its rails.

The testimony regarding the furnishing of tank cars, however, need not be further considered in this case, as Rule 35 of Consolidated Freight Classification No. 4, C. R. C. No. 347, does not require carriers to furnish such equipment.

The rates on crude oil from Oleo, El Segundo, Wilmington and San Pedro to Los Angeles were previously adjudicated, as pointed out by complainant, in Application No. 4733. Decision No. 7252, decided March 12, 1920 (17 C. R. C. 894). In that case the Pacific Electric Railway Company requested authority to increase certain rates on petroleum and petroleum products, including crude oil. We prescribed, from Oleo, El Segundo, Wilmington and San Pedro to Los Angeles, a rate on crude oil of 4 cents per 100 pounds, effective April 22, 1920, which was increased August 26, 1920, to 5 cents per 100 pounds in Application No. 5728, Decision No. 7983, August 20, 1920 (18 C. R. C. 646). The rate of 5 cents from all points named was continued in effect until February 28, 1922, at which time, by action of the defendants, the El Segundo, Wilmington and San Pedro rate to Los Angeles was reduced to 3 cents per 100 pounds, thus destroying the parity existing from Oleo, El Segundo, Wilmington and San Pedro to Los Angeles during the period from April 22, 1920, to February 28, 1922. It is alleged by defendant that this change was necessary to meet competitive conditions at El Segundo, Wilmington and San Pedro, which competition, it is asserted, is not controlling at Oleo. On May 31, 1922, the Pacific Electric Railway Company voluntarily reduced the rate from Oleo to Los Angeles to 4 cents, leaving 1 cent per 100 pounds disparity in the rates between Oleo and Los Angeles, and El Segundo, Wilmington, San Pedro and Los Angeles, in favor of the latter points.

The record discloses no competitive or operating reasons why the rate on crude oil from San Pedro, Wilmington and El Segundo to Los Angeles should be 3 cents per 100 pounds for distances of 21, 19 and 17 miles, respectively, and the rate from Oleo to Los Angeles should be 4 cents per 100 pounds for a haul of 25 miles, circumstances considered.

Upon consideration of all the facts as presented by the record, I am of the opinion and so find that the assailed rate on crude oil from Oleo to Los Angeles was not in the past nor is it now unjust or unreasonable, but that said rate is discriminatory and prejudicial to the extent that it exceeds the rate on crude oil maintained by the defendant from San Pedro, Wilmington and El Segundo to Los Angeles, and that said discrimination should be removed.

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There is left for consideration the question as to whether or not the complainant is entitled to reparation because of the discrimination found to exist.

Complainant Vernon Oil Refining Company based its claim for reparation, in so far as discrimination is concerned, on the ground that it is in competition with other oil companies at Los Angeles in marketing its products, and it assumed that, since it paid the freight charges, it has been damaged in an amount equal to the difference between the charges paid and the charges that should have accrued had the same rates been in effect from Oleo to Los Angeles as from El Segundo, Wilmington and San Pedro to Los Angeles.

The Interstate Commerce Commission, the Supreme Court of the United States and this Commission have held, in discrimination proceedings, that the damages suffered, if any, are not necessarily an amount equal to the difference in rates. The fact of the damage and the amount must be definitely established, the same as is required in a court of law. (*Penn. R. R.* vs. *International Coal Co.*, 230 U. S. 184, and *Steiger Terra Cotta & Pottery Works* vs. *S. P. Co.*, 7 C. R. C. 288.)

The proof contained in this record fails to meet the requirements set forth in those cases and reparation must, therefore, be denied.

The following form of order is recommended:

ORDER.

This case being at issue upon complaint, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendant, Pacific Electric Railway Company, be and it is hereby notified and required to desist on or before April 15, 1926, from publishing, maintaining or applying rates on crude oil from Oleo to Los Angeles which exceed the rates on crude oil contemporaneously in effect on like traffic from El Segundo, Wilmington and San Pedro to Los Angeles.

It is hereby further ordered, that defendant, Pacific Electric Railway Company, be and it is hereby notified and required to establish on or before April 15, 1926, upon notice to this Commission and to the general public, by not less than five (5) days' filing and posting in the manner prescribed in section 14 of the Public Utilities Act, a rate on crude oil from Oleo to Los Angeles which shall not exceed the rate on crude oil contemporaneously in effect from El Segundo, Wilmington and San Pedro to Los Angeles.

It is hereby further ordered, that all other matters involved in the complaint in this proceeding be and the same are hereby dismissed.

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The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this eighteenth day of January, 1926.

DECISION No. 15869.

IN THE MATTER OF THE APPLICATION OF SOUTHERN PACIFIC COMPANY FOR PERMISSION TO EXTEND THE SACRAMENTO RIVER BOAT FREIGHT SERVICE TO POINTS ON THE EAST SIDE OF SAN FRANCISCO BAY.

Application No.12047.

Decided January 18, 1926.

CERTIFICATE—CARRIER BY WATER—SAN FRANCISCO BAY.—Authority granted the Southern Pacific Company to extend its Sacramento River freight service to and from all docks, wharves and piers situated within or abutting on the corporate limits of Oakland, Alameda, Berkeley and Emeryville on the east side of San Francisco Bay.

H. C. Booth, for Applicant.
E. W. Hollingsworth, Traffic Department, Oakland Chamber of Commerce.
E. H. Maggard and *Donald Geary*, for Petaluma and Santa Rosa Railway.

BY THE COMMISSION.

OPINION.

The Southern Pacific Company, a corporation, with its principal offices at 65 Market street, San Francisco, applies under the provisions of paragraph 4, section 50, of the Public Utilities Act, for a certificate of public convenience and necessity authorizing the extension of its river lines permitting its vessels to serve any and all docks, wharves and piers located or situated within or abutting on the corporate limits of the cities of Oakland, Alameda, Berkeley and Emeryville in the county of Alameda.

For many years past the applicant has been conducting a steamer line between San Francisco, Crockett, Port Costa, South Vallejo, Benicia and other bay landings on the one hand, and Sacramento, Hood, Walnut Grove, Collinsville and other Sacramento river landings on the other, and the object of this application is to serve points on the east side of San Francisco Bay in the same manner and with the same facilities now employed in serving San Francisco and other points on the west side of the bay.

A public hearing was held at San Francisco January 12, 1926, before Examiner Geary, and the matter having been duly submitted is now ready for our decision.

Applicant presented one exhibit setting forth the tonnage and the revenue of all freight transported via its river steamers during the calendar years 1907 to 1924 inclusive, a statement showing the territory

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served, the landings on the river banks, and time schedules, not only of applicant's boats but of the competing lines, the location of the open docks on the east side of the bay, the number of registered steamers in 1914 and 1924, and a description of the boats now in operation by it on the Sacramento River. The number of vessels in use in 1914 is given as 210, with a net registration of 34,407 tons; in 1924 there were 247 vessels having a registration of 22,378 tons. It would appear that many of the vessels in use in 1914 have been replaced during the past ten years by barges and gas-propelled craft. The freight traffic increased from a total of 721,090 tons in 1914 to a total of 1,796,105 tons in 1924. The testimony showed that during the past few years great improvements have been made in the public docks and warehouses in Oakland and Alameda. The Parr Terminal Company has increased its facilities at Oakland and the Encinal Terminals have enlarged their facilities in Alameda. Both of these companies are served by ocean-going, coastwise, and river steamers.

Failure of the Southern Pacific Company to operate its Sacramento River steamers to the terminals at Oakland and Alameda has resulted in inconvenience and loss to the shipping public, as was shown by the testimony of its assistant general freight agent.

Witnesses appeared on behalf of the Parr Terminals, the Encinal Terminals and the Oakland Chamber of Commerce indorsing the application and recommending that a certificate be granted.

We are of the opinion and find as a fact that public convenience and necessity require the extension of operation by petitioner of its river boat lines for the transportation of freight to and from the public docks, wharves and piers situated within or abutting the corporate limits of Oakland, Alameda, Berkeley and Emeryville on the east side of San Francisco Bay.

ORDER.

A public hearing having been held in the above entitled proceeding, the application having been duly submitted and now being ready for a decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by the Southern Pacific Company of its Sacramento River steamer service to and from all docks, wharves and piers situated within or abutting on the corporate limits of Oakland, Alameda, Berkeley and Emeryville on the east side of San Francisco Bay, a full investigation of the matters and things involved having been had, and the Commission having on the date hereof made and filed its opinion containing its findings of fact and conclusions, which said opinion is hereby referred to and made a part hereof;

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It is hereby ordered, that the application of the Southern Pacific Company for authority to extend its operations in freight service on the Sacramento River and connecting waters to and from all docks, wharves and piers located or situated within or abutting the corporate limits of the cities of Oakland, Alameda, Berkeley and Emeryville on the east side of San Francisco Bay, be and it is hereby granted, subject to the following conditions:

Applicant shall file tariffs, within thirty (30) days from the date of this order, according to the rules of this Commission, setting forth the rates, rules and regulations governing transportation between the points in question.

Dated at San Francisco, California, this eighteenth day of January, 1926.

DECISION No. 15870.

IN THE MATTER OF THE APPLICATION OF SAN JOAQUIN LIGHT AND POWER CORPORATION TO SELL AND MIDLAND COUNTIES PUBLIC SERVICE CORPORATION TO PURCHASE CERTAIN TRANSMISSION LINES AND SUBSTATION EQUIPMENT.

Application No. 12272.

Decided January 18, 1926.

TRANSFER—ELECTRIC UTILITY.—Application granted.

BY THE COMMISSION.

OPINION AND ORDER.

San Joaquin Light and Power Corporation and Midland Counties Public Service Corporation have made application for authority for San Joaquin Light and Power Corporation to sell and Midland Counties Public Service Corporation to purchase for the sum of $102,057.86 certain properties now owned by San Joaquin Light and Power Corporation.

At the present time San Joaquin Light and Power Corporation owns certain transmission lines and substation equipment which are either wholly detached from the San Joaquin system and are in reality an integral part of the Midland system, or which should, in accordance with the wholesale power schedule under which delivery is made, be properly owned by the Midland Counties Public Service Corporation. These properties, which it is proposed to transfer, are described in general terms below:

A—Seventy thousand volt transmission line between Coalinga substation number one and Coalinga substation number two.

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B—Portion of the seventy thousand volt switch structure at Coalinga substation number two.

C—Divide substation synchronous condenser set with auxiliaries and portion of Divide substation building.

D—Portion of the seventy thousand volt switch structure at Santa Maria substation.

E—Seventy thousand volt transmission line between Santa Maria substation and Betteravia steam plant.

A more detailed description of the above properties, original cost to San Joaquin Light and Power Corporation, depreciation reserve accrued to December 31, 1925, and original cost less depreciation reserve accrued are set forth in Applicants' Exhibit "A" accompanying the application.

The following summary sets up the amounts involved, as recapped in Applicants' Exhibit "A":

Summary of Costs.

Location	Original Cost	Depreciation Accrued to Dec. 31, 1925	Cost Less Accrued Depreciation Dec. 31, 1925
Coalinga No. 1—Coalinga No. 2 70 kv. line	$46,385 27	$3,385 57	$42,999 70
Coalinga No. 2 substation switch structure	7,559 10	205 49	7,353 61
Divide condenser set	32,734 49	4,941 98	27,792 51
Santa Maria substation switch structure	12,375 32	693 03	11,682 29
Betteravia—Santa Maria 70 kv. line	15,157 01	2,927 26	12,229 75
Totals	$114,211 19	$12,153 33	$102,057 86

The Commission has carefully considered the application and is of the opinion it should be granted.

ORDER.

San Joaquin Light and Power Corporation and Midland Counties Public Service Corporation having made application to the Railroad Commission for authority, the former to sell and the latter to purchase for the sum of $102,057.86, certain properties more particularly described in Exhibit "A" accompanying the application, and the Commission being of the opinion that such authority should be granted and that this is not a matter in which a public hearing is necessary;

It is hereby ordered, that San Joaquin Light and Power Corporation be authorized to sell, and Midland Counties Public Service Corporation be authorized to purchase, for the sum of $102,057.86, those above mentioned properties, subject to the following conditions:

1. San Joaquin Light and Power Corporation and Midland Counties Public Service Corporation shall file with this Commission on or before February 15, 1926, and subject to the Commission's approval, a copy of the book entries which applicants propose to make covering the transfer of properties hereby authorized. The authority herein

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granted shall become effective from the date of this order and the transfer herein authorized may be made as of December 31, 1925.

Dated at San Francisco, California, this eighteenth day of January, 1926.

DECISION No. 15871.

IN THE MATTER OF THE APPLICATION OF HAPPY VALLEY WATER COMPANY, A CORPORATION, FOR ORDER AUTHORIZING ISSUE OF STOCKS AND STOCK CERTIFICATES.

Application No. 12194.

Decided January 18, 1926.

SECURITIES—STOCKS—TO ISSUE.—Application granted.

Carr and Kennedy, by *Francis Carr*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application Happy Valley Water Company asks permission to issue $30,000 of its Class "A" stock and $6,000 of its Class "B" stock.

Happy Valley Water Company is engaged in the business of selling and distributing water, primarily for irrigation purposes, in Happy Valley and in the vicinity of Ono and Igo, Shasta County, operating the properties formerly owned by Happy Valley Irrigation District which it acquired pursuant to the plan of reorganization of the affairs of the district outlined to the Commission in Application No. 11646.

The company was organized on or about May 5, 1925, with an authorized capital stock of $1,120,000, consisting of $795,000 of Class "A" stock and $325,000 of Class "B" stock. It was authorized by Decision No. 15417, dated September 19, 1925, in Application No. 11646 to issue $765,000 of the Class "A" stock and $310,200 of the Class "B" stock to carry the plan of reorganization into effect. Of the Class "A" stock, $740,000, under the plan and under the Commission's order, is to be delivered in exchange for a like amount of bonds heretofore issued by the irrigation district, whose properties applicant has acquired, and $25,000 in payment of organization expenses.

Upon acquiring the water properties, the company also acquired a claim of $60 an acre on certain lands formerly within the district. As payments are made to applicant on this account they will be used to retire the Class "A" stock at 93 per cent of par value. As the Class "A" stock is retired there will be issued to the holders thereof one share of the Class "B" stock for each five shares of Class "A" stock and to the landowners, shares of Class "B" stock in amount

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equal to one-fifth of the amounts paid by them on the claims held by applicant against their properties. For these purposes an issue of $310,200 of stock will be needed. For a more complete description of the reorganization plan and of the properties and of the stock, reference should be made to Application No. 11646 and to the Commission's decision, No. 15417.

When the company filed Application No. 11646 it asked permission to issue $55,000 of Class "A" stock to J. H. Brown and John J. McCrory for services rendered in organizing and promoting the corporation and for other services. The Commission, basing its decision on the application and on the testimony given at the hearing, permitted the issue of only $25,000 of Class "A" stock for this purpose and dismissed, without prejudice, the request to issue the remaining $30,000 of stock.

The company has now filed this application again asking permission to issue the $30,000 of Class "A" stock and, in addition, $6,000 of Class "B" stock to provide for the retirement of the Class "A" stock. It alleges that $55,000 of stock is a reasonable amount to be issued for this purpose and it has presented additional testimony showing that J. H. Brown and John J. McCrory have been engaged since 1922 in reorganizing the district's financial affairs, in perfecting the bondholders' agreement and in organizing the new corporations, and that considerable expenses have been incurred for these purposes.

Giving consideration to the additional evidence produced in this matter, we are of the opinion that the issue of the additional stock should be authorized. At the conclusion of the program there will be only the $316,200 of Class "B" stock outstanding against the properties. In the former application, the company estimated the value of such properties, exclusive of any allowance for water rights at $789,275.72. As stated in the former decision, on account of the wide margin between the total par value of the stock and the estimated value of the properties, we do not believe it necessary in this proceeding to pass upon the value claimed, although it is to be understood that reference to such value in this decision is not to be considered as binding the Commission to recognize it in any future proceeding.

ORDER.

Happy Valley Water Company, having applied to the Railroad Commission for permission to issue stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue of stock is reasonably required by applicant, and that this application should be granted, as herein provided;

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It is hereby ordered, that Happy Valley Water Company be and it hereby is authorized to issue $30,000 of its Class "A" stock and $6,000 of its Class "B" stock, for the purposes indicated in the plan of reorganization filed in Application No. 11646, and referred to in the foregoing opinion.

The authority herein granted is subject to the following conditions:

1. Applicant shall keep such record of the issue and delivery of the stock herein authorized as will enable it to file within thirty days after such issue and delivery a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this eighteenth day of January, 1926.

DECISION No. 15874.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING APPLICANT TO ISSUE, SELL AND DELIVER ITS COMMON CAPITAL STOCK TO THE AMOUNT OF, IN THE MANNER, AND FOR THE PURPOSES SET FORTH HEREIN.

Application No. 12277.

Decided January 19, 1926.

SECURITIES—TO ISSUE—COMMON STOCK.—Pacific Gas and Electric Company authorized to issue and sell to its common stockholders and to subscribers to shares of its common stock, on or before December 31, 1926, at not less than par, 50,000 shares of its common capital stock, and to use the proceeds obtained from the sale of such stock to pay in part the cost of additions and betterments.

C. P. Cutten and *W. B. Bosley*, for Applicant.
W. D. Wilkinson, for Protestant C. W. Wilkinson.

DECOTO, *Commissioner*.

OPINION.

The Railroad Commission is asked to make an order granting the necessary authority to the Pacific Gas and Electric Company to issue and sell at par $5,000,000 of its common stock and use the proceeds to reimburse its treasury and finance, in part, the cost of additions and betterments referred to in this application.

Applicant has an authorized stock issue of $160,000,000 divided into $79,900,000 of first preferred, $100,000 of original preferred, and $80,000,000 of common stock. As of September 30, 1925, applicant reports outstanding in the hands of the public $54,443,431.91 of first preferred stock and $46,892,148.34 of common stock. In addition, $31,696,866.66 of common stock is outstanding and held by subsidiary companies.

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Applicant in its Exhibit No. 3 shows that during the five years ending December 31, 1925, it sold bonds, preferred and common stock in the amount of $118,293,550 divided into $85,720,000 of bonds, $20,073,550 of first preferred stock and $12,500,000 of common stock. The average annual sales of securities amounted to $23,658,710, while the average cost of the new capital is reported by applicant at 6.75 per cent.

During the five-year period ending December 31, 1930, applicant estimates that it will have to sell stock and bonds aggregating $25,000,000 per annum to provide funds for new construction and refund indebtedness incurred for construction purposes.

As of September 30, 1925, the outstanding bonds of applicant represented 61.23 per cent of its capitalization, the preferred stock 20.58 per cent and the common stock, 18.18 per cent. These percentages are calculated on the basis of par or face value of securities outstanding and not on the basis of cash received from the sale of such securities. According to applicant's Exhibit No. 3 the bond ratio is now higher than at any time since 1913, and this in spite of the fact that applicant during that period has sold $60,486,000 of preferred and common stock.

Applicant's witnesses—W. E. Creed, president, and A. F. Hockenbeamer, second vice president and treasurer—are of the opinion that if applicant's capitalization were on a basis of 50 per cent bonds, 25 per cent preferred stock, and 25 per cent common stock, it could get a better price for its bonds and preferred stock. It is of record that if applicant's capitalization had some time ago been on the basis of 50 per cent bonds and 50 per cent stock, it could have obtained "half a point better price" for $10,000,000 of bonds. To place applicant's capitalization on a basis of 50 per cent bonds and 50 per cent stock calls for the issue and sale of about $10,000,000 of common stock during each of the next five years. It is, of course, obvious that the sale of common stock is usually more difficult than the sale of bonds or preferred stock, that the common stock must ordinarily be sold on a higher yield basis and that its market value fluctuates more than the market value of bonds or preferred stock. It is not an established fact that applicant must sell its common stock at par in order to readjust its proportions of bonds and stock as desired. As a matter of fact, the common stock equity might be built up faster were applicant to take advantage of the present market value (about $130 per share) of its stock and sell the stock at a premium. Less stock would have to be issued, if sold at a premium, to raise a certain amount of money, than if stock is sold at par to raise the same amount. It is urged, however, that the sale of stock at a premium would affect the present market value adversely. What this effect would be is a matter of conjecture. Off-

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setting this element of uncertainty we have the testimony of applicant's witnesses that its proposal to offer the common stock at par to its stockholders will enable it to sell the stock with little or no expense, and reduce market value fluctuations of such stock, except as affected by a panic, or world war, to a minimum. They urge that the application should be considered from the standpoint of future financing, as well as meeting applicant's immediate needs.

C. W. Wilkinson asks that applicant be required to sell its common stock on a competitive basis and that the holders of such stock be guaranteed a dividend of 6 per cent and no more. To make such guarantee really effective the Commission would have to obligate the State of California to stand behind its order. This the Commission can not do. Paragraph *g* of section 52 of the Public Utilities Act reads:

> No provision of this act, and no deed or act done or performed under or in connection therewith, shall be held or construed to obligate the State of California to pay or guarantee, in any manner whatsoever, any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, authorized, issued or executed under the provisions of this act.

Moreover, even if permitted by the act, I do not believe that the proposal of C. W. Wilkinson is in the interest of the public. It carries with it no assurance of lower rates. Applicant's president is confident that its proposal will inure to the benefit of the rate payers. Quoting from the transcript:

> And finally it is a plan which benefits the rate payer because of its soundness, and the certainty which I feel will result, of reduced cost of money in the long run, because it does not require any increase of rates to carry it out—in fact, our minds are in the other direction—because it is a plan which enables the company to take advantage of market situations and whatever advantage accrues to the stockholder comes out of the market, and not out of the rate payer, but redounds to the benefit of the rate payer and the company.

Applicant asks that it be permitted to use the proceeds obtained from the sale of the $5,000,000 of common stock to pay in part the cost of the extensions, additions, betterments and improvements to its facilities and those of Mount Shasta Power Corporation set forth and described in exhibits "B," "C," "D" and "E" attached to Application No. 12192. In these exhibits applicant reports actual or estimated expenditures as follows:

Unreimbursed capital expenditures at September 30, 1925, of Pacific Gas and Electric Company and Mt. Shasta Power Corporation (Exhibit "B," Application No. 12192)	$10,114,330 26
Unexpended balance of capital expenditures authorized at September 30, 1925, by Pacific Gas and Electric Company (Exhibit "C," Application No. 12192)	8,342,091 11
Estimated cost of new construction, Pacific Gas and Electric Company for 1925 and 1926 (Exhibit "D," Application No. 12192)	6,000,000 00
Unexpended balance of capital expenditures authorized at September 30, 1925, by Mt. Shasta Power Corporation (Exhibit "E," Application No. 12192)	2,419,504 37
Total	$26,875,925 74

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To finance in part such expenditures the Commission by Decision No. 15758, dated December 16, 1925, authorized applicant to use $464,105.40 obtained or to be obtained from the sale of stock, and by Decision No. 15782, dated December 21, 1925, the proceeds from the sale of $2,500,000 of first preferred stock.

I believe that the granting of this application will result in no injury to the rate payer. On the contrary, if it will enable the company to get a better price for its bonds and preferred stock and reduce the average cost of money, as claimed by applicant's witnesses, a reduction in rates should be possible.

I herewith submit the following form of order:

ORDER.

Pacific Gas and Electric Company having applied to the Railroad Commission for permission to issue and sell $5,000,000 of its common stock, a public hearing having been held and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant for the purposes specified in this order and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should be granted, as herein provided; therefore,

It is hereby ordered, that Pacific Gas and Electric Company be and it is hereby authorized to issue and sell to its common stockholders and to subscribers to shares of its common stock, on or before December 31, 1926, at not less than par, 50,000 shares ($5,000,000 par value) of its common capital stock and to use the proceeds obtained from the sale of such stock to pay in part such cost of the extensions, additions, betterments and improvements to its facilities and to those of Mount Shasta Power Corporation described in Exhibits "B," "C," "D" and "E" filed in Application No. 12192, as is properly chargeable to fixed capital accounts under the uniform system of accounts prescribed or adopted by this Commission; said 50,000 shares of common stock to be offered to said common stockholders and subscribers to shares of its common stock, in the proportion of one (1) share of such additional common stock to each ten (10) shares of said common stock owned or subscribed for by each of said stockholders and subscribers.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof, and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized to be issued and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

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The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this nineteenth day of January, 1926.

DECISION NO. 15875.

IN THE MATTER OF THE APPLICATION OF SOUTHERN PACIFIC COMPANY TO INCREASE ONE-WAY AND INDIVIDUAL MONTHLY COMMUTATION AND OTHER FARES BETWEEN SAN FRANCISCO AND POINTS IN THE COUNTY OF ALAMEDA, CALIFORNIA, AND RELATED POINTS.

Application No. 11504.

Decided January 19, 1926.

RATES—EMERGENCY INCREASE—RAILWAY—LOCAL AND INTERURBAN—TRANSBAY FERRY.—Finding that rates should be established that will put the applicant's rates on a parity with Key System Transit Company's lines, and that such increase will not result in a return to the company that will be unreasonable, or that an unfair burden will be placed upon the public, the Commission authorizes applicant to place in effect the same temporary rates and fares granted to its competitor.

G. V. Shoup and *C. W. Durbrow*, for the Southern Pacific Company.
Dunne, Brobeck, Phleger and Harrison, for Key System Transit Company.
Leon Gray, City Attorney, for the City of Oakland.
W. J. Locke, City Attorney, for the City of Alameda.
E. J. Sinclair, City Attorney, and *John N. Edy*, City Manager, for the City of Berkeley.
D. J. Hall, City Attorney, for the City of Richmond.
G. N. Richardson, for the City of Piedmont.
Thomas W. Girbey, for the Town of Emeryville.
C. W. White, for the Town of Hayward.

SEAVEY, SQUIRES AND DECOTO, *Commissioners*.

INTERLOCUTORY OPINION.

In the above entitled application, which was filed on July 26, 1925, Southern Pacific Company asked for an order authorizing it to establish such one-way and individual monthly commutation and other fares between San Francisco and points in Alameda County, California, and related points, as should be found to be fair, just and reasonable. Public hearings were held on this matter on August 25, September 24 and 25, and November 12, 1925. At the latter date the matter was continued until February 9, 1926, in order that the protestants, as well as the staff of the Commission, might make a complete and thorough investigation into this matter.

On January 6, 1926, the applicant filed its supplemental application in this proceeding, in which it alleges as follows:

Applicant is informed and believes and therefore alleges that its application for a permanent increase in its rates and fares will not be decided by this Commission and that no order will be entered for many months and that pending the final

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determination of its said application by this Commission, it will continue to sustain great losses in conducting said service which will burden both the interstate and intrastate traffic conducted upon other lines of applicant's system; and that as a necessary consequence of the decision rendered by this Commission in said proceeding relating to the rates charged by applicant upon its vehicular ferry service and the decision rendered by said United States District Court, that an emergency exists which justifies that an order be entered without further proceedings, authorizing applicant to immediately make effective the rates and fares set forth in the tariffs hereinbefore specified.

In general, the tariffs referred to call for a 25-cent one-way fare and $6.50 monthly commutation fare between San Francisco and Oakland with similar increase in fares to other points served by applicant's passenger ferries and electric suburban lines.

At a public hearing, held on the eighteenth day of January, 1926, applicant declared that due to the competitive condition that exists between its transbay electric service and that of the Key System Transit Company it would be impracticable at this time for it to charge the rates and fares set forth in the supplemental application. The relief sought at the present time, therefore, is the authority to put its rates on a parity with the rates recently made effective on the Key System in Commission's Decision No. 15817.

Applicant contended that only by considering its entire transbay service as a unified service has it been possible for applicant to earn sufficient revenue to yield any return whatsoever upon its transbay service and that the operating expenses incurred in operating its combined passenger ferry and electric suburban line service for the last several years have exceeded the operating revenues derived from conducting said service by the following amounts:

1922	$304,574 04
1923	245,535 06
1924	513,236 86
1925	664,405 67

Counsel for the protesting municipalities admitted that due to the direct competitive conditions that exist between the two transbay interurban systems, it was necessary to keep their rates on a parity.

Protestants contended, however, that the rates charged by the applicant from East Bay points to the Oakland western water front were discriminatory, excessive, and not consistent with other rates charged by applicant. The point raised in this regard appears to be a broader one than that of emergency rates. It particularly raises the question of service. Considered from this standpoint, we do not believe we have before us in the present record sufficient evidence to properly determine this issue. The fixing of this particular rate can be more appropriately considered as a part of the main proceeding.

We have given careful consideration to all the evidence that has thus far been presented in the main case, as well as the evidence that has

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been presented in connection with the supplemental application. Our engineers state that their detailed investigation, with respect to the operations, service and financial condition of the applicant, with special reference to passenger ferry and electric suburban line service of applicant, can not be completed for some time. Applicant contends that the consequent time required before any adjustment of fares will be made possible merely aggravates the loss which it alleges it has incurred and is incurring in the operation of this service, and of itself constitutes an emergency.

It is our conclusion that such rates should be established as will put the applicant's rates on a parity with the rates now effective on the Key System Transit Company's lines and from the evidence at present before us, we are of the opinion that the increase will not result in a return to the company which will be unreasonable or that an unfair burden will be placed upon the public.

These rates, however, will be established with the distinct understanding that they are temporary in nature, pending the completion of a thoroughgoing investigation on the part of the Commission's staff as to the issues in the main case with a full opportunity to the protesting communities to present evidence in that case; and it must be understood that the following is an ad interim order and that the temporary rates herein authorized are subject to revision and adjustment in any final order which may issue subsequent to submission of the main application herein.

INTERLOCUTORY ORDER.

Southern Pacific Company having filed the above entitled application for an adjustment of its rates and its supplemental application for interim rates, public hearings having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, in so far as said supplemental application is concerned:

It is hereby found as a fact that an emergency exists and that the present revenues of said Southern Pacific Company from the service here in question are inadequate; and basing its order upon the foregoing finding of fact and other findings of fact, as contained in the interlocutory opinion which precedes this order:

It is hereby ordered, that Southern Pacific Company be and it is hereby authorized to establish, on or after January 25, 1926, upon notice to this Commission and to the general public by not less than three (3) days filing and posting of tariffs in the manner prescribed in section 14 of the Public Utilities Act, and thereafter to maintain and apply, subject to the further order of this Commission, the rates and fares prescribed in Exhibit "A," attached hereto and made a part hereof, subject, however, to the further order of the Commission.

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For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing preliminary opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this nineteenth day of January, 1926.

EXHIBIT "A."

ONE-WAY CONTINUOUS TRIP, NON-BAGGAGE PASSENGER FARES BETWEEN SAN FRANCISCO AND STATIONS ON EAST BAY ELECTRIC LINES; ALSO STATIONS ON MAIN LINES TO AND INCLUDING PINOLE AND STONEHURST.

Between San Francisco and—

Oakland (14th and Franklin streets)	21 cents
Seminary avenue	21 cents
105th avenue	25 cents
Dutton avenue	32 cents
Alameda	21 cents
Thousand Oaks	21 cents
University Campus	21 cents
Berkeley (University avenue)	21 cents
Stege	32 cents
Richmond	40 cents
San Pablo	54 cents
Pinole	81 cents
Stonehurst	25 cents

Children 5 years of age, but under 12 years—half fare.

The fares authorized above will be subject to the same rules, regulations, allowances and privileges in effect under the present fares shown in Southern Pacific Company's Local Passenger Tariff A-No. 1, C. R. C. 2909.

The same relative increases may be made in the one-way fares between all other points in this territory, including adjustments in proposed Supplements to Tariffs A. O. No. 3, A. N. No. 2, and Local Tariff No. 2, but not to exceed 16⅔ per centum.

INDIVIDUAL MONTHLY COMMUTATION FARES BETWEEN SAN FRANCISCO AND STATIONS ON EAST BAY ELECTRIC LINES; ALSO STATIONS ON MAIN LINES TO AND INCLUDING STONEHURST, CHERRY, ROBERT AND RICHMOND.

Between San Francisco and—

Oakland (14th and Franklin streets)	$5 20
Parker avenue	5 20
Sequoyah	5 20
Dutton avenue	5 20
Alameda	5 20
Thousand Oaks	5 20
University Campus	5 20
Berkeley (University avenue)	5 20
Vigorit	6 44
Richmond	7 15
Stonehurst	6 44
South San Leandro	7 15
Cherry	7 65
Mulford	7 15
Robert	7 65

The fares authorized above will be subject to the same rules, regulations, allowances and privileges in effect under the present fares shown in Southern Pacific Company's Local Commutation Tariff D-No. 1, C. R. C. No. 2984.

The same relative increases may be made in commutation fares between all other points in this territory but not to exceed 8⅓ per centum.

ONE-WAY CONTINUOUS TRIP, NON-BAGGAGE PASSENGER FARES BETWEEN POINTS IN OAKLAND, ALAMEDA, BERKELEY AND RICHMOND.

Between Oakland (16th street) and—

Oakland (14th and Franklin streets)	7 cents
Thousand Oaks	7 cents
University Campus	7 cents
Berkeley (University avenue)	7 cents
Stege	23 cents
Richmond	32 cents

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Stockyard and Vigorit	16 cents
Stege	25 cents
Vigorit and Richmond	16 cents
West Oakland (Pine street) and 105th avenue	7 cents
Dutton avenue	14 cents
Oakland (86th avenue) and Dutton avenue	7 cents
Stonehurst and West Oakland (Pine street)	7 cents
Seminary avenue	14 cents
Oakland (7th and Broadway) and Pacific Junction (Alameda)	7 cents
Alameda (Pacific Junction) and Alameda (Mastick, via High street loop)	7 cents

The fares authorized above will be subject to the same rules, regulations, allowances and privileges in effect under the present fares shown in Southern Pacific Company's Local Passenger Tariff A-No. 1, C. R. C. No 2909.

The same relative increases may be made in the one-way fares between all other points in this territory, but not to exceed 16⅔ per centum.

DECISION No. 15876.

IN THE MATTER OF THE APPLICATION OF A. B. CHAPMAN ESTATE, A CORPORATION, FOR AN ORDER AUTHORIZING INCREASE OF RATES.

Application No. 11590.

Decided January 19, 1926.

RATES—WATER UTILITY—TO INCREASE.—Application granted.

Ward Chapman and *L. M. Chapman*, by *L. M. Chapman*, for Applicant.
H. W. Painter, in propria persona.

BY THE COMMISSION.

OPINION.

A. B. Chapman Estate, a corporation, applicant in the above entitled proceeding, owns and operates a public utility water system which supplies water for domestic and irrigation purposes to the inhabitants of a tract of land in Los Angeles County lying between the cities of Pasadena and Arcadia, and between the Foothill boulevard on the north and Duarte road on the south. The applicant alleges in effect that the present rate of 4½ cents per hundred cubic feet for both domestic and irrigation service is insufficient to yield an adequate or fair return, and that the water system is being operated at a loss. The Commission is therefore asked to grant an increased schedule of rates.

A public hearing in this matter was held before Examiner Williams at Los Angeles, after due notice thereof had been given so that all interested parties might appear and be heard.

The evidence shows that the A. B. Chapman Estate was incorporated in March, 1916, for the purpose of acquiring and holding the title of the heirs to the property of the estate of A. B. Chapman, deceased; that the greater portion of this property was a ranch of about 650 acres on which a water supply had been developed and an irrigation system installed; that thereafter the property was partially subdivided into lots and small tracts, and the system was extended to supply water for domestic purposes to the subdivided area, containing about 450 acres, and now serves about 300 consumers. The water is obtained from wells

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located at convenient points throughout the original tract, and is pumped into storage tanks from which it is distributed by gravity.

The rates at present in effect were accepted by the Railroad Commission in May, 1924, and are as follows:

6 cents per 1000 gallons, or
4½ cents per 100 cubic feet,
for both irrigation and domestic service.

The entire system is metered, and applicant asks that the following rates be established for both domestic and irrigation purposes:

Monthly Minimum.

⅝" x ¾" meter	$1 50
1" meter	2 00
1½" meter	3 00
2" meter	5 00
3" meter	15 00

Quantity Rates.

0 to 500 cubic feet, per 100 cubic feet	$0 30
500 to 1,500 cubic feet, per 100 cubic feet	25
1,500 to 3,000 cubic feet, per 100 cubic feet	20
3,000 to 10,000 cubic feet, per 100 cubic feet	15
10,000 to 50,000 cubic feet, per 100 cubic feet	10
Over 50,000 cubic feet, per 100 cubic feet	07½

A statement was submitted with the application and marked Exhibit "B" which showed among other things that the capital invested as of June 30, 1925, was $120,646.22. However, a report was submitted at the hearing which was prepared by the Utility Engineering Company, setting forth the estimated cost of the properties to be $160,113 as of October 1, 1925, with a replacement annuity of $3,318 computed by the 6 per cent sinking fund method. This report also estimated the reasonable annual operating expenses to be $14,875 and the annual operating revenue to be $12,584.15.

A report was also presented by F. H. Van Hoesen, one of the Commission's hydraulic engineers, in which the estimated original cost of the operative properties of the system as of October 1, 1925, was found to be $135,101, exclusive of land values, and a depreciation annuity of $2,872 and $2,442, computed by the sinking fund method at 5 per cent and 6 per cent respectively. This report shows the operating and maintenance expenses for the period of nine months ending October 1, 1925, to be $8,555.25, and estimates the annual operating expenses for the immediate future to very closely approximate $12,600. The operating revenues for the above nine months' period amounted to $10,561, and in the report it was estimated to be $13,161 for the full year.

The testimony indicated that the value of the operative lands set forth by applicant, amounting to $14,750, is reasonable, and it will be

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used for the purposes of this proceeding. The addition of this amount to the estimated original cost of the remainder of the system submitted by Mr. Van Hoesen results in a total value of $149,851.

It appears that the territory served by this utility is now undergoing a period of transition between agricultural service and domestic use, a situation which is very trying for a water utility. In fairness to the present consumers such conditions make it unreasonable for a utility to receive a full return upon its investment, which in this case is shown by the testimony to be between $150,000 and $160,000.

The estimate of maintenance and operating expense submitted by the applicant's engineers is somewhat greater than the estimate of the Commission's engineer. The difference lies principally in the charges made for supervision. It is apparent that the overhead expense for the operation of this system as estimated by applicant's engineers is greater than the conditions and size of the plant warrant. A careful consideration of the evidence leads to the conclusion that the sum of $12,600 is a reasonable amount to allow for this item.

The revenues from the present rates are not sufficient to cover the estimated maintenance and operation charges and depreciation annuity. It is apparent that an adjustment of rates is necessary to produce additional revenue to provide for the above charges. The schedule of rates established in the following order is designed to produce maintenance and operating expense, a depreciation annuity, and also provide a reasonable return on that portion of the investment which is properly chargeable against the present consumers.

ORDER.

A. B. Chapman Estate, a corporation, having made application to this Commission as entitled above, a public hearing having been held thereon, and the matter having been submitted:

It is hereby found as a fact that the rates charged by the A. B. Chapman Estate for water supplied to its consumers are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the service rendered.

Basing its order on the foregoing finding of fact and on the further statements of fact contained in the opinion which precedes this order;

It is hereby ordered, that the A. B. Chapman Estate be and it is hereby authorized and directed to file with this Commission, within twenty (20) days from the date of this order, the following schedule of rates to be charged for water delivered to its public utility consumers subsequent to January 31, 1926:

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Monthly Meter Rates.

From	0 to	600	cubic feet,	per 100	cubic feet		$0 25
From	600 to	3,000	cubic feet,	per 100	cubic feet		20
From	3,000 to	5,000	cubic feet,	per 100	cubic feet		15
From	5,000 to	25,000	cubic feet,	per 100	cubic feet		10
All over		25,000	cubic feet,	per 100	cubic feet		07

Minimum Monthly Charges.

⅝-inch meter	$1 50
¾-inch meter	2 00
1 -inch meter	3 00
1½-inch meter	5 00
2 -inch meter	8 00
3 -inch meter	15 00

Each of the foregoing "minimum monthly charges" will entitle the consumer to the quantity of water which that minimum monthly charge will purchase at the "monthly meter rates."

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this nineteenth day of January, 1926.

Decision No. 15880.

IN THE MATTER OF THE APPLICATION OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A CORPORATION, FOR AUTHORITY TO CONSTRUCT A SPUR TRACK ACROSS QUINT OR "Q" STREET, "R" AND "S" STREETS, IN THE CITY AND COUNTY OF SAN FRANCISCO, AND ACROSS JERROLD OR TENTH AVENUE IN SAID CITY AND COUNTY, UNDER AN EXISTING TRACK OF THE SOUTHERN PACIFIC COMPANY WHICH CROSSES SAID JERROLD AVENUE BETWEEN "Q" STREET AND RANKIN OR "R" STREET.

Application No. 11349.

IN THE MATTER OF THE APPLICATION OF SOUTHERN PACIFIC COMPANY FOR AN ORDER AUTHORIZING THE CONSTRUCTION AT GRADE OF TWO SPUR TRACKS, ONE ACROSS A PORTION OF NEWCOMB AVENUE AND ACROSS QUINT, RANKIN, SELBY AND TOLAND STREETS, AND ONE ACROSS NEWCOMB AVENUE, QUINT STREET, McKINNON AVENUE, JERROLD AND RANKIN STREETS AND INNES AND GALVEZ AVENUES, IN THE CITY AND COUNTY OF SAN FRANCISCO.

Application No. 11445.

Decided January 20, 1926.

GRADE CROSSING—STEAM RAILROAD—SPUR TRACKS.—Applications granted.

J. R. Hayden and *Platt Kent*, for The Atchison, Topeka and Santa Fe Railway Company.
H. W. Hobbs and *F. W. Mielke*, for Southern Pacific Company.
C. H. Healy, for City and County of San Francisco, Observer.

DECOTO, *Commissioner*.

OPINION.

The Atchison, Topeka and Santa Fe Railway Company, sometimes herein called the Santa Fe, filed Application No. 11349 on the first day

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of July, 1925, asking for permission to construct a spur track along Jerrold avenue in the city and county of San Francisco, from a connection with the present Santa Fe-Southern Pacific Company joint track in Quint street westerly to Toland street, crossing Rankin street and Selby street at grade and the Southern Pacific main line tracks at separated grades. Applicant also seeks a determination by this Commission as to proper vertical overhead clearance to be allowed where said spur track crosses under Southern Pacific main line tracks.

Southern Pacific Company filed Application No. 11445 on the seventeenth day of July, 1925, asking, as amended by the filing of Application No. 11596, for permission to construct a spur track at grade across Newcomb avenue, Quint street, McKinnon avenue, Jerrold street, Rankin street, Innes avenue and Galvez avenue.

A public hearing on these applications was held on September 14, 1925, at which time the matters were submitted. By stipulation, the record of both proceedings is available for either proceeding, and the applications covering related matters are consolidated for the purpose of decision.

The spur tracks for which permission to install crossings is herein asked are proposals of competing carriers to provide industrial track service to substantially the same portion of the Islais Creek Reclamation District, bounded roughly by Napoleon street on the north, Barneveld avenue on the west, McKinnon avenue on the south and Southern Pacific Company's main line tracks on the east.

The lead track proposed by the Santa Fe is laid out from Quint street westerly along the northerly sidewalk area of Jerrold avenue to the east line of Toland street, crossing the westerly half of Quint street, Rankin street and Selby street at grade, and crossing under the main line of the Southern Pacific Company in the northerly sidewalk area of the existing grade separation at Jerrold avenue. It is to be noted that this spur takes off from the so-called joint Quint street Southern Pacific-Santa Fe lead, which is operated under agreement alternately by both companies.

The Southern Pacific spur takes off from that company's eastbound main line track at a point near Oakdale avenue, thence parallels the main line to a point on the south line of Evans avenue, crossing at grade Newcomb avenue, McKinnon avenue, Quint street, Jerrold street, Innes avenue, Rankin street and Galvez avenue.

Southern Pacific Company protests the granting of the Santa Fe application on the grounds that the spur track sought by Southern Pacific will serve the district amply and with a minimum of expense. Southern Pacific Company further refers to the fact that the franchise

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from the city and county of San Francisco was not secured by the Santa Fe for its spur prior to the filing of application, while Southern Pacific filed such franchise with its application.

Santa Fe contends that the spur as proposed by it will adequately serve the territory and that its application should be given prior consideration because it was filed with this Commission ahead of the application of Southern Pacific Company.

Counsel for Southern Pacific Company made a motion that application of Santa Fe be dismissed because franchise from city and county was not filed with application. This motion was denied. The consent of this Commission is separate and distinct from and not contingent upon consent of a political subdivision. While it is true that the Commission's Rules of Procedure require that

> If the application is filed by a railroad for a crossing within the limits of an incorporated city or town there shall be attached to the original copy of the application a certified copy of the franchise, or portion thereof, which gives to the railroad the right to cross the public highway in question,

it is always within the discretion of the Commission to waive or suspend its rules when good cause appears. One of the purposes of the rule above quoted is to expedite the work of the Commission in passing upon applications for track crossings by providing evidence of consent on the part of the political subdivision concerned, so that if in the judgment of the Commission, after investigation, a public hearing is not necessary, the matter may be disposed of by an *ex parte* order. If, however, there is some related condition that must be determined by this Commission before terms of the franchise or permit from the political subdivision can be precisely stated, it is both appropriate and proper for the Commission to waive compliance with the above quoted rule, to accept the application and to make its decision before requiring the political subdivision to act upon the terms of its permission. Such a related condition is presented in the case of the present Santa Fe application, namely, the amount of impairment of overhead clearance which this Commission will permit where the proposed spur would cross under the main tracks of Southern Pacific Company, this clearance in turn determining the amount and manner in which the elevations of the track in Jerrold street would vary from the official street grades. Under these circumstances it would be little short of an arbitrary action on the part of the Commission to refuse to consider this application of the Santa Fe on its merits.

Counsel for the Santa Fe urged that, because of priority of filing, the application of that carrier should be given first consideration. Such priority of filing should be controlling in crossing matters, only when all other factors entering into the decision are equal. Such is not the case in this instance.

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In determining grade crossing applications such matters as the present and probable future public hazard, and the present and probable future public convenience and necessity are among the considerations that must be given greatest weight.

Inasmuch as most of the land in this district is marshy or under water at the present time, no present need exists for either of the tracks, and by the same reason the crossings requested are all over either lightly traveled or so-called paper streets. The record shows, however, that a reclamation district has been formed for the purpose of filling in all of this property and rendering it suitable for industrial use and there can be no doubt as to the potential need for industrial spur track facilities in this area.

A comparison of what may become the important crossings in the future is of value in determining the relative merits of these two applications. The Santa Fe spur crosses Rankin street, Selby street and a portion of Quint street, of which only the two last named appear to lie so as to attract any considerable traffic, Rankin street being physically blocked by the Southern Pacific trestle. The Southern Pacific spur will cross Quint street, Jerrold street and Galvez avenue, all of which are open under the Southern Pacific trestle and may become important streets in the tract. It is thus apparent that the track proposed by Southern Pacific Company will cross at grade twice as many potentially important streets as will the track proposed by the Santa Fe.

The Santa Fe expressed a willingness to permit joint operation by other carriers over the track which it proposes. This track is well located for joint operation with Southern Pacific, as it takes off of a joint lead on which the machinery of joint operation already exists. The Southern Pacific, on the other hand, has stated that it does object to joint operation on the spur proposed by it.

It appears that either drill track is physically capable of serving the same territory with railroad spur track facilities. The present hazard is almost nil, likewise the present public convenience and necessity. The future hazard, it appears, will be less on the Santa Fe track than on the Southern Pacific track, because of the smaller number of potentially important streets crossed. Future public convenience and necessity will be better served by the Santa Fe track because of the availability of joint user privilege whereby industries in the area may have access to more than one trunk line carrier by use of a single facility.

It is concluded, therefore, after a careful consideration of all of the evidence, that the application of The Atchison, Topeka and Santa Fe Railway Company should be afforded prior consideration and granted. However, there is nothing in this record which would appear to justify

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a denial of permission to the Southern Pacific Company to construct its spur track, provided it can be so constructed as not to interfere with the Santa Fe track herein authorized.

Evidence was adduced at the hearing as to vertical clearances between the bottom of the steel work of the Southern Pacific Company's bridge at Jerrold avenue and various datums and levels, for the purpose of determining whether the track of the Santa Fe should be laid with clearance less than required in General Order No. 26-a. There is a clearance of 22 feet above present ground level, which is approximately at the same elevation as high tide and 6 feet below city datum. It is proposed to fill in the ground at this location to an elevation about 4 feet above city datum. A track constructed at the latter elevation would, therefore, have a clearance of only 12 feet. Mr. F. D. Kinnie, engineer for the Santa Fe, testified that at present the Santa Fe operates a spur similar to this with a 17′ 6″ overhead clearance with suitable telltales and suggested a clearance of 18 feet, which required a 6-foot depression below the level to which it is proposed to fill the property. In his opinion, a shrinkage of about 4 feet will occur after filling this property, which would then place the track in a 2-foot depression, and even this depression will make necessary the use of a pump to care for drainage waters. He stated, however, that a 22-foot clearance could be obtained by the use of a 6-foot depression and that there are no physical obstacles to such a plan. Mr. J. B. Dawson, Engineer for the Southern Pacific, presented a plan (S. P. Exhibit 1) showing details of a crossing in which a clearance of 22 feet above the Santa Fe tracks is provided.

The fact that a spur built a number of years ago with an overhead clearance of 17′ 6″ is still being operated does not constitute a basis for allowing such impaired clearances at the present time. It further appears that there are no physical obstacles to securing a 22-foot overhead clearance. As it appears that this drill track will serve a substantial territory and consequently require considerable switching, and that standard clearances therefore should be adhered to if possible, it is concluded that this track should be constructed with overhead clearances in conformity with this Commission's General Order No. 26-a.

The following form of order is recommended:

ORDER.

The above numbered applications having been filed with this Commission, a public hearing having been held, the matters being under submission and ready for decision; therefore,

It is hereby ordered, that permission and authority be and it is hereby granted to The Atchison, Topeka and Santa Fe Railway Company to

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construct a spur track at grade across Rankin street, Selby street and a portion of Quint street and Jerrold avenue in the city and county of San Francisco, State of California, as follows:

Beginning at a point in the center line of an existing track in Quint street, at San Francisco, California. Said point lying 22.24 feet northeasterly from the southwesterly line of Innes avenue and 22.5 feet southeasterly from the southwesterly line of Quint street; thence southwesterly on the arc of a curve concave to the north and having a radius of 235.65 feet a distance of 98.1 feet to a point in the northwesterly line of Quint street which is distant 73.31 feet southwesterly from the southwesterly line of Innes avenue; thence continuing southwesterly on the arc of a curve concave to the north and having a radius of 235.65 feet a distance of 201.5 feet to a point on the northeasterly line of Jerrold avenue, said point being distant 150.44 feet northwesterly from the northwesterly line of Quint street; thence continuing southwesterly on the arc of a curve concave to the north and having a radius of 235.65 feet a distance of 63.0 feet to a point which is distant 8.5 feet southwesterly from the northeasterly line of Jerrold avenue and 213.15 feet northwesterly from the northwesterly line of Quint street produced across Jerrold avenue; thence northwesterly along Jerrold avenue 8.5 feet southwesterly from and parallel to the northeasterly line of Jerrold avenue, and crossing Rankin and Selby streets, a distance of 1714.85 feet to the southeasterly line of Toland street produced across Jerrold avenue, which is the end.

and as shown by the map (No. 500-254-E) attached to the application; said crossings to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings at Quint street and Jerrold avenue shall be constructed substantially in accordance with standard No. 4, as specified in General Order No. 72 of this Commission and shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails flush with the roadway, and with grades of approach not exceeding three (3) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic. Said crossings at Rankin street and Selby street shall be so constructed that grades of approach not exceeding two (2) per cent will be feasible in the event that the construction of roadway along said Rankin street and said Selby street shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(5) This order is made upon the express condition that Rankin street and Selby street are not now actually constructed and open to travel at

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the respective points of crossing, and said order shall not be deemed an authorization for the construction of an opening of said street to public use across said railroad tracks.

(6) Nothing in this order shall be construed as an authorization by this Commission for the construction of a track in such a manner as will be contrary to any of the provisions of General Order No. 26-a of this Commission.

(7) Applicant shall permit joint operation of the track which creates the crossings herein authorized upon application by any other railroad corporation which may desire to join in such joint usage, under terms and conditions which shall meet the approval of this Commission.

(8) Applicant shall, before beginning the work of construction, submit a certified copy of a permit or franchise from the city and county of San Francisco, for the construction of said crossings at grade, and in the event that this is not done, the authorization herein granted for the installation of said crossings shall lapse and shall thereupon become null and void and of no further force and effect.

(9) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

It is hereby further ordered, that permission and authority be and it is hereby granted to Southern Pacific Company to construct a spur track at grade across Newcomb avenue, McKinnon avenue, Quint street, Jerrold avenue, Innes avenue, Rankin street and Galvez avenue, in the city and county of San Francisco, State of California, as follows:

Beginning at a point on the southwesterly line of Newcomb avenue, distant thereon 161 feet, more or less, southeasterly from the southeasterly line of Quint street; thence northerly a distance of 98 feet, more or less, to a point on the northeasterly line of Newcomb avenue, distance thereon 104 feet, more or less, southeasterly from the southeasterly line of Quint street; thence continuing through private property to a point on the southeasterly line of Quint street, distance thereon 55 feet, more or less, southwesterly from the southwesterly line of McKinnon avenue; thence northerly on a curve concave to the right with a radius of 716 feet, crossing the intersection of Quint street and McKinnon avenue, a distance of 157 feet, more or less, to a point on the northeasterly line of McKinnon avenue, distant thereon 15 feet, more or less, northwesterly from the northwesterly line of Quint street; thence continuing through private property to a point on the southwesterly line of Jerrold street, distant thereon 167 feet, more or less, southeasterly from the southeasterly line of Rankin street; thence northerly crossing Jerrold street a distance of 92 feet, more or less, to a point on the northeasterly line of Jerrold street, distant thereon 122 feet, more or less, southeasterly from the southeasterly line of Rankin street; thence continuing through private property to a point on the southwesterly line of Innes avenue, distant thereon 10 feet, more or less, southeasterly from the southeasterly line of Rankin street; thence northerly crossing the intersection of Innes avenue and Rankin street, a distance of 151 feet, more or less, to a point on the northwesterly line of Rankin street, distant thereon 52 feet, more or less, northeasterly from the northeasterly line of Innes avenue; thence continuing through private property to a point on the southwesterly line of Galvez avenue, distant thereon 240 feet, more or less, northwesterly from the northwesterly line of Rankin

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street; thence northerly crossing Galvez avenue a distance of 92 feet, more or less, to a point on the northeasterly line of Galvez avenue, distant thereon 285 feet, more or less, northwesterly from the northwesterly line of Rankin street.

and as shown by the map (Coast Division No. 15399—Sheet 1) attached to the application; said crossings to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings at McKinnon avenue, Jerrold avenue and Quint street shall be constructed substantially in accordance with standard No. 4, as specified in General Order No. 72 of this Commission and shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails flush with the roadway, and with grades of approach not exceeding four (4) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic. Said crossings at Newcomb avenue, Innes avenue, Rankin street and Galvez avenue shall be so constructed that grades of approach not exceeding two (2) per cent will be feasible in the event that the construction of roadway along said Newcomb avenue, Innes avenue, Rankin street and Galvez avenue shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

(3) Said crossings at Jerrold avenue shall be constructed at an elevation which will permit railroad tracks to be laid along and upon the northerly sidewalk area of Jerrold avenue with a vertical clearance of twenty-two (22) feet between top of rail of said railroad tracks to be laid along Jerrold avenue and the bottom of steel of the girder supporting Southern Pacific Company's main line tracks where the latter cross Jerrold avenue.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(5) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) This order is made upon the express condition that Newcomb avenue, Innes avenue, Rankin street and Galvez avenue are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the

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construction of an opening of said streets to public use across said railroad tracks.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twentieth day of January, 1926.

DECISION NO. 15883.

ROSS FORSYTH

vs.

SAN JOAQUIN LIGHT AND POWER CORPORATION, A CORPORATION.

Case No. 2139.

Decided January 20, 1926.

CERTIFICATE—AUTO STAGES—UNLAWFUL OPERATION.—Finding that San Joaquin Light and Power Corporation is operating an auto stage service between Fresno and its construction camps along Kings River without a certificate, defendant corporation is ordered to cease such operation. District attorney of Fresno County notified.

Chas. A. Beck, for Complainant.
Murray Bourne, for Defendant.

BY THE COMMISSION.

OPINION.

Ross Forsyth, in his complaint as amended by substituting San Joaquin Light and Power Corporation as defendant, alleges in effect that defendant is transporting persons and property for compensation between the fixed termini of Fresno and the construction camps of defendant on Kings River and over regular routes between said termini; that defendant is operating in violation of the provisions of chapter 213, California Statutes of 1917, and effective amendments thereto, by reason of its not having obtained a certificate of public convenience and necessity as required by the statutory law; that the operation of the stage service has resulted in financial injury to the complainant, who holds a certificate of public convenience and necessity authorizing operation over the route used by defendant; and that the continuance

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of defendant's auto stage service for compensation will result in further financial injury to complainant. Complainant prays for an order requiring defendant to cease the operation of auto stage service for the transportation of persons or property for compensation or at all.

Defendant duly filed its answer, being a general denial of the material allegations of complainant.

A public hearing on this complaint was conducted by Examiner Handford at Fresno, the matter was duly submitted upon the filing of briefs, and it is now ready for decision.

At the hearing it was stipulated that the issues would be confined to the carriage of passengers and that no evidence would be offered regarding the transportation of property.

Mr. Ross Forsyth, complainant, testified that he operated a freight and passenger stage service between Fresno and Camp 2 of San Joaquin Light and Power Corporation. This operation is conducted under the authority of a certificate of public convenience and necessity as granted by this Commission in its Decision No. 12524 on Application No. 8908, as decided August 22, 1923. This witness further testified as to operation of stages by defendant between Fresno and construction camps, approximately one stage per day being operated regularly and in some instances two; that inquiry developed that fares were regularly charged; and that complainant's revenue had materially decreased by reason of defendant's operation although facilities were available to care for such passenger business as might be offered for transportation.

Mr. W. W. Wright, employed by defendant as a labor agent, testified that he hired men at Fresno for defendant corporation and forwarded such men from Fresno to the construction camps in accordance with written instructions of defendant corporation, said instructions providing for a transportation charge as follows:

Rates—

A fare of $4 will be charged from Fresno to any camp on the Balch Project, and the same for return. Children under five (5) years of age will be carried free, and from five to twelve years, at half fare; all others at full fare.

Deduction for fare for return to Fresno will be made at time of discharge and ticket furnished unless employee has other transportation.

Employees, or members of their families, living on the work will be sold tickets at half fare provided they are round trip tickets. Refund on return trip tickets will be allowed.

This witness further testified regarding the employment contract under which employees were hired at Fresno for work at the construction camps of defendant corporation, such contracts containing a notation as to the stage or railroad fare to be charged against the employee, which fare employee agrees "shall be considered as a loan to me in that

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amount to be deducted by you from the wages to be first earned by me." This witness has also supervised the loading of employees and their baggage on the stages of defendant corporation when same left his office in Fresno.

Mr. W. R. Couse, chief accountant of the construction department of defendant corporation, testified as to the charges made for transportation of employees between Fresno and the construction camps during the months of May, June and July, 1925. From this witness and from an exhibit filed appear the following data:

May—$4.00 fares from Kings River to Fresno	$96 00
Employee's round trip fares from Kings River to Fresno	22 00
Pay roll deductions (Fresno to construction camps)	358 40
	$476 40
June—$4.00 fares from Kings River to Fresno	$98 00
Employee's round trip fares from Kings River to Fresno	56 00
Pay roll deductions (from Fresno to Kings River)	248 60
	$402 60
July—$4.00 fares from Kings River to Fresno	$120 00
Employee's round trip fares from Kings River to Fresno	119 00
Pay roll deductions (Fresno to construction camps)	309 18
	$548 18

During the three months above named there were 234 labor contracts executed which were on the basis of a $4 charge for stage transportation of employees between Fresno and the construction camps, a total revenue of $936, of which amount all but $19.82 was collected by pay roll deduction.

Defendant offered no evidence at the hearing but contends in its brief that the matters complained of are not within the jurisdiction of the Commission for the reason that defendant in its operation of stages between Fresno and its construction camps on Kings River is not a common carrier or a public utility by reason of its transporting its own employees under the plan hereinbefore stated or by deductions for transportation under employment contracts. Defendant contends that it is not transporting its employees as a public utility or as a common carrier and that its practices in such regard do not amount to a dedication of its facilities to the public to an extent which empowers the Railroad Commission to take jurisdiction in the instant complaint.

The Auto Stage and Truck Transportation Act (chapter 213, Statutes of 1917, and effective amendments) provides in section 5 as follows:

> No transportation company shall hereafter begin to operate any automobile, jitney bus, auto truck, stage or auto stage for the transportation of persons or property, for compensation, on any public highway in this state without first having obtained from the Railroad Commission a certificate declaring that public convenience and necessity require such operation, * * *.

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Section 1 of the above mentioned statutory enactment defines the term "transportation company" as follows:

(c) The term "transportation company," when used in this act, means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing, any automobile, jitney bus, auto truck, stage or auto stage used in the business of transportation of persons or property, or as a common carrier, for compensation, over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the limits of an incorporated city or town or of a city and county; * * *

Section 4 of the above mentioned statutory enactment vests this Commission with power and authority to supervise and regulate every "transportation company" in this state, and section 7 prescribes the procedure under which applications and complaints may be made and acted upon.

We are of the opinion that the statutory law fully establishes the jurisdiction of this Commission to receive and determine the instant complaint.

The record herein shows that defendant admits the transportation of persons for compensation between Fresno and its construction camps on Kings River; that it possesses no certificate of public convenience and necessity authorizing such operation; and that the sole reliance of defendant is upon the contention that the Commission is without jurisdiction to hear and determine this complaint.

From the record herein we conclude and hereby find as a fact that the operation by defendant, San Joaquin Light and Power Corporation, of an auto stage for the transportation of its employees and their families between Fresno and construction camps on Kings River, in so far as such operation is conducted over the public highways, for a fixed and definite compensation, is operation of a transportation company as such term is defined by section 1 of chapter 213, Statutes of 1917, and effective amendments thereto, and is being conducted by said defendant without the authority of a certificate of public convenience and necessity from this Commission as required by the provisions of the above mentioned statutory enactment.

ORDER.

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted upon the filing of briefs, the Commission being now fully advised and basing its order on the conclusions and findings of fact as appearing in the opinion which precedes this order;

It is hereby ordered, that defendant, San Joaquin Light and Power Corporation, be and the same hereby is directed to discontinue immedi-

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ately operation of an auto stage line for the transportation of passengers, for compensation, over the public highway between Fresno and its construction camps on Kings River unless and until said defendant San Joaquin Light and Power Corporation shall have applied for and received from this Commission an order declaring that public convenience and necessity require such operation; and

It is hereby further ordered, that the secretary of this Commission be and he hereby is directed to forward a certified copy of this order by registered mail to the district attorney of Fresno County.

The effective date of this order is hereby fixed as January 30, 1926.

Dated at San Francisco, California, this twentieth day of January, 1926.

DECISION NO. 15885.

IN THE MATTER OF THE APPLICATION OF THE HOME TELEPHONE COMPANY OF COVINA, A CORPORATION, TO REFUND ITS OUTSTANDING COMMON STOCK BY DELIVERING ONE SHARE OF ONE HUNDRED DOLLARS PAR VALUE FOR TWO SHARES OF THE PAR VALUE OF FIFTY DOLLARS EACH, AND FOR PERMISSION TO REFUND THREE HUNDRED SIXTY-FOUR SHARES OF OUTSTANDING COMMON STOCK OF THE PAR VALUE OF FIFTY DOLLARS EACH BY DELIVERING ONE HUNDRED EIGHTY-TWO SHARES OF THE PREFERRED STOCK OF SAID CORPORATION, WHICH SHARES ARE OF THE PAR VALUE OF ONE HUNDRED DOLLARS EACH.

Application No. 12159.

Decided January 20, 1926.

SECURITIES—STOCK—TO REFUND.—**Home Telephone Company of Covina** authorized to issue 1182 shares of common stock, of the par value of $100 each, to refund the outstanding 2364 shares of common stock of the par value of $50 each. Application for permission to issue 182 shares of 7 per cent cumulative preferred stock denied.

Loyd Wright, for Applicant.

BY THE COMMISSION.

OPINION.

Home Telephone Company of Covina asks permission to issue 1182 shares of its common stock of the par value of $100 each in exchange for 2364 shares of its common stock now outstanding of the par value of $50 each, and to issue $18,200 of its 7 per cent cumulative preferred stock in exchange for $18,200 of the common stock.

It has been reported to the Commission that on July 17, 1925, the stockholders owning more than two-thirds of applicant's subscribed and issued capital stock voted to increase the authorized stock from $200,000, divided into 4000 shares of the par value of $50 each, all common, to $600,000 divided into 6000 shares of the par value of $100 each, of which 3000 shares are common and 3000 preferred. For a description of the nature of the preference of the preferred stock and of its terms,

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reference should be made to the Commission's Decision No. 15608, dated November 7, 1925.

Applicant at present has $118,200 of stock outstanding, all common, and consisting of 2364 shares of the par value of $50 each. In order to conform with its amended articles of incorporation, as indicated in the preceding paragraph, it proposes to refund the 2364 shares through the issue of 1182 shares of the par value of $100 each. In this proceeding applicant asks permission to make such exchange. This procedure will not increase the total par value of the stock outstanding.

The company further asks permission to reduce the total par value of the common stock through the exchange at par of $18,200 thereof for a like amount of 7 per cent cumulative preferred stock which it now asks permission to issue. A similar request was made by applicant in Application No. 11842, which was denied by Decision No. 15608. This decision reads in part as follows:

> The remaining 364 shares of common stock having a par value of $18,200, it (the applicant) desires to exchange for 182 shares with a par value of $18,200 of 7 per cent cumulative preferred stock, to be issued subject to the company's articles of incorporation referred to above. It is urged by representatives of applicant that the $18,200 of common stock is held by persons who might object to a reduction in the rate of dividend paid on the company's outstanding stock, should such a course of procedure become necessary. This is not a sufficient ground to authorize the conversion of common into preferred stock, and this application, in so far as it involves such conversion, will be denied.

The evidence submitted at the hearing had on December 29th before Examiner Fankhauser does not warrant the Commission to modify its order in Decision No. 15608. Applicant has submitted no evidence that justifies this Commission to authorize the company to substitute for the common stock the preferred stock which is redeemable and which bears cumulative 7 per cent dividends. This portion of the application will be denied.

ORDER.

Home Telephone Company of Covina having applied to the Railroad Commission for permission to issue stock, a public hearing having been held and the Railroad Commission being of the opinion that applicant's request should be granted only to the extent indicated herein and that the issue of the stock herein authorized is reasonably required by applicant;

It is hereby ordered, that Home Telephone Company of Covina be and it hereby is authorized to issue 1182 shares of its common stock of the par value of $100 each to refund the outstanding 2364 shares of common stock of the par value of $50 each.

It is hereby further ordered, that the application in so far as it involves the request to issue 182 shares of the 7 per cent cumulative preferred stock be and it is hereby denied.

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It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof, and that applicant shall keep such record of the issue and delivery of the stock herein authorized as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twentieth day of January, 1926.

DECISION No. 15886.

IN THE MATTER OF THE APPLICATION OF HARRY E. SPEAS FOR AUTHORITY TO OPERATE VESSELS FOR THE TRANSPORTATION OF PERSONS AND PROPERTY BETWEEN OAKLAND AND ALAMEDA.

Application No. 12446.

Decided January 20, 1926.

CERTIFICATE—FERRY—PERSONS AND PROPERTY.—Application of Harry E. Speas for certificate to operate a passenger and vehicle ferry service across the Oakland estuary between Oakland and Alameda at the site of the Webster street bridge, granted.

Devlin and Brookman, by *Frank R. Devlin*, for Applicant.
Markell C. Baer, Assistant City Attorney, for City of Oakland.
W. J. Locke, City Attorney, and *Clifton E. Hickok*, City Manager, for the City of Alameda.
Harley R. Norris, for Alameda Chamber of Commerce.
Brobeck, Phleger and Harrison, by *Frank S. Richards*, for Key System Transit Company.
Wm. J. Hamilton and *John F. Mullins*, for Board of Supervisors of Alameda County.

BY THE COMMISSION.

OPINION.

This is an application filed by Harry E. Speas, an individual, under the provisions of paragraph (*d*), section 50, of the Public Utilities Act for a certificate of public convenience and necessity to operate vessels for the transportation of persons and property on the Oakland estuary between Oakland and Alameda.

The petition sets forth that the Webster street bridge, spanning the Oakland estuary and connecting the cities of Alameda and Oakland, was recently destroyed and that there is now available no means of direct transportation between the two cities. It was alleged that the bridge will not be replaced, and until the tube now under construction is completed, the means of transportation between Oakland and Alameda will be over circuitous and inconvenient routes.

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Applicant proposes the following charges:

Passenger fare	5 cents
Automobile	15 cents
Motorcycle and driver	10 cents
Truck	20 cents
Freight on truck (per ton of 2000 lbs.)	20 cents

A public hearing was held before Examiner Geary at San Francisco January 19, 1926, and the application having been duly submitted is now ready for an opinion and order.

Applicant presented as Exhibit No. 1 a resolution passed by the board of supervisors of the county of Alameda at its meeting held January 18, 1926, reading as follows:

Resolved, That this board does hereby recommend that the State Railroad Commission grant the application of Harry E. Speas to operate vessels transporting passengers, automobiles and freight for hire between the cities of Oakland and Alameda from point approximately adjacent to Webster street in said cities.

The applicant, H. E. Speas, testified that the bridge connecting Oakland and Alameda was destroyed January 7, 1926, and that now there is urgent necessity for immediate service via vessels between the opposite sides of the channel, a distance of approximately one thousand feet.

Mr. Speas is vice president and general manager of the Golden Gate Ferry Company, a corporation, which company owns four automobile steamers and has a fifth vessel under construction. He testified that arrangements have been made for the use of a certain vessel owned by the Golden Gate to furnish satisfactory service. The operating schedule will provide four round trips per hour during sixteen hours of the day, beginning at 5.30 a.m. A representative of the board of supervisors testified that the county of Alameda would equip the necessary slips on both sides of the channel and maintain the same at the expense of the county. It is estimated that the service will cost approximately $9,000 per month, and applicant expects to operate continuously until the completion of the tube now being constructed under the estuary, which under the present program it is expected will be accomplished in April, 1927. The service will be rendered even though the operations are at a loss.

Upon motion of attorneys representing the Crowley Launch and Towboat Company in Application No. 12426, and the Oakland Launch and Towboat Company in Application No. 12429, these applications, contemplating similar service between Oakland and Alameda, were dismissed. It was stated that both the Crowley and the Oakland have no desire to furnish service in view of the application presented by Mr.

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Speas. There was no opposition at the hearing to the granting of the instant application.

Applicant stipulated it would enter no objections to a revocation of the certificate of public convenience and necessity should future investigation by the Commission find the service is no longer required. Witnesses appeared in support of the application representing the cities of Oakland and Alameda and for the county of Alameda.

We are of the opinion and find as a fact that public convenience and necessity require, because of the present emergency situation created by the destruction of the Webster street bridge, the establishment of a service via vessel between Oakland, near Broadway, on the one hand, and Alameda, near Webster street, on the other, across the Oakland estuary, as set forth in applicant's petition, and that a certificate should be granted, authorizing such service, at the rates set forth in the application, as hereinbefore referred to, subject to the following condition:

That applicant shall file with this Commission, within ten (10) days from the date of this order, a written stipulation providing that upon completion of the tube now under construction between Oakland and Alameda and upon order of this Commission, the service herein authorized will be discontinued.

ORDER.

A public hearing having been held in the above entitled proceeding, the same having been duly submitted and now being ready for a decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by Harry E. Speas, an individual, of vessels for the transportation of persons and property, for compensation, across the Oakland estuary, between Oakland and Alameda, at points located near Broadway, on the Oakland side, and near Webster street, on the Alameda side, as set forth in the application.

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted, subject to the following conditions:

1. Applicant shall file written acceptance of the certificate herein granted within a period not to exceed ten (10) days from the date hereof, and shall file tariffs, according to the rules of this Commission, setting forth the rates, rules and regulations governing the transportation furnished, which rates shall be those set forth in the application and referred to in the foregoing opinion.

2. That applicant shall file with this Commission, within ten (10) days from the date of this order, a written stipulation providing that

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upon completion of the tube now under construction between Oakland and Alameda and upon order of this Commission, the service herein authorized will be discontinued.

Dated at San Francisco, California, this twentieth day of January, 1926.

DECISION No. 15887.

IN THE MATTER OF THE APPLICATION OF FRANK PICKARD TO SELL, AND SIERRA VAN AND STORAGE COMPANY, A CORPORATION, TO PURCHASE, AN AUTOMOBILE FREIGHT LINE BETWEEN LOS ANGELES AND PASADENA, CALIFORNIA.

Application No. 11941.

Decided January 21, 1926.

TRANSFER—CERTIFICATE—AUTO TRUCKS—STOCK—TO ISSUE.—Frank Pickard authorized to transfer to Sierra Van and Storage Company the operative right and property for an auto freight line operated between Los Angeles and Pasadena, and to issue $192,100 of common stock in payment therefor.

FRANCHISE VALUE.—Holding that it can not recognize a franchise value of $10,000 listed by applicants among assets to be capitalized, the Commission deducts that amount from the total capital stock issue authorized.

Harry A. Chamberlin, for Applicants.

BY THE COMMISSION.

OPINION.

In this application, as amended, the Railroad Commission is asked to make an order authorizing Frank Pickard to sell and transfer an operative right to Sierra Van and Storage Company, a corporation, and authorizing the corporation to issue $202,100 of its common capital stock.

The application shows that Frank Pickard, pursuant to an order from the Commission, has acquired an operative right permitting the transportation of freight, express and baggage by auto trucks between Los Angeles and Pasadena. The records of the Commission show that this right was originally established by the Commission's Decision No. 11422, dated December 29, 1922, in Application No. 8301, wherein it was found that Pasadena Transfer and Storage Company, then the owner, had been operating in good faith on, and continuously since, March 1, 1917, the effective date of the Auto Stage and Truck Transportation Act, as a common carrier of freight, express and baggage between Los Angeles and Pasadena, over a regular route via Los Angeles and Macy streets, Mission road, Huntington drive, Oneonta park and Fair Oaks avenue.

On September 19, 1924, Pasadena Transfer and Storage Company applied for permission to transfer the operative right established by

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Decision No. 11422 to Frank Pickard, one of the applicants herein. This request was granted by Decision No. 14168, dated October 10, 1924, the order indicating that the consideration paid was $7,500 of which $2,500 was said to represent the value of four one-ton trucks and $5,000 the value of the operative right.

Condition No. 4 of the Commission's order in Decision No. 14168 reads as follows:

> The rights and privileges herein authorized transferred may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission has *first* been secured.

It appears that Frank Pickard conveyed his property, including the operating right to which reference has been made, to the Sierra Van and Storage Company, a corporation. This transfer, we think, is void because the consent of the Commission was not first obtained. The Sierra Van and Storage Company, a corporation, was organized on or about September 4, 1924, with an authorized capital stock of $500,000 divided into 5000 shares of the par value of $100 each, all shares being common. It is of record that the corporation filed an application with the Commissioner of Corporations for permission to issue stock. The order of the Commissioner of Corporations (applicants' Exhibit E) reads in part as follows:

> Sierra Van and Storage Company, a California corporation, is hereby authorized to sell and issue 2500 shares of its capital stock as herein below set forth:
>
> First—To issue to Frank Pickard 1417 shares of its capital stock for and in consideration of the transfer and assignment by him to the applicant first to be made of the property and assets described in its application, subject to liabilities of not to exceed $62,194.35.
>
> Second—After applicant shall have sold, received the consideration for and issued all the shares as provided for in paragraph First hereof, to sell and issue 1083 shares of its capital stock at par for cash, lawful money of the United States, for the uses and purposes recited in its application.

It is our opinion that before applicant corporation could exercise the authority to issue stock under the permit of the Commissioner of Corporations, Frank Pickard had to transfer his assets, including the operative right in question, to the corporation. This he could not do until the transfer of the operative right was authorized by the Railroad Commission. There is no doubt that upon such transfer, to say nothing as to the status of the corporation prior to the transfer, the corporation became a transportation company subject to the jurisdiction of the Railroad Commission and could issue no stock without the permission of the Railroad Commission.

It appears that under the permit obtained from the Commissioner of Corporations the Sierra Van and Storage Company issued $202,100 of stock, of which $400 was delivered to directors for qualifying purposes, $141,700 was delivered to Frank Pickard in payment for his properties, subject to outstanding indebtedness, and $60,000 was sold

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at par to pay indebtedness, to purchase equipment and to provide working capital as follows:

Mortgage indebtedness	$33,000 00
Accounts payable	12,617 28
New vans	9,000 00
Working capital	5,382 72
Total	$60,000 00

In their amended application filed on January 6th, applicants ask that the Sierra Van and Storage Company be authorized to issue $202,100 of stock for the purposes herein mentioned, such stock to be issued in lieu of the stock heretofore issued without permission from the Railroad Commission.

As of December 31, 1924, Frank Pickard reports his assets and liabilities as follows:

Fixed assets— *Assets.*		
Incorporation expense	$218 00	
Land	35,395 67	
Buildings	78,684 98	
Automobiles	7,357 45	
Trucks	41,959 29	
Truck equipment	2,949 33	
Warehouse equipment	4,380 74	
Service station equipment	1,861 95	
Scales	1,853 88	
Garage and stable equipment	702 46	
Furniture and fixtures	3,431 53	
State franchise	10,000 00	
Total	$188,795 28	
Less reserve for depreciation	14,242 18	
		$174,553 10
Cash		7,599 78
Accounts		5,035 52
Inventories		1,224 76
Prepayments		1,275 02
Total assets		$189,688 18
Liabilities.		
Accounts payable		$2,334 89
Notes payable		12,617 28
Mortgages payable		33,000 00
		$47,952 17
Net worth		141,736 01
Total liabilities		$189,688 18

It will be noted that he includes among his assets a state franchise valued at $10,000. This amount, according to the testimony herein, is the value placed by applicants on the operative right purchased by Frank Pickard from Pasadena Transfer and Storage Company pursuant to Decision No. 14168. We do not believe that we can recognize this amount as a basis for an order authorizing the issue of stock in

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view of the provisions of section 52 of the Public Utilities Act and section 6 of the Auto Stage and Truck Transportation Act. Section 52 reads in part as follows:

> The Commission shall have no power to authorize the capitalization * * * of any franchise or permit whatsoever or the right to own, operate or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the state or to a political subdivision thereof as the consideration for the grant of such franchise, permit or right * * *."

In this proceeding no showing was made as to the amount actually paid to the state, or a political subdivision thereof, as the consideration for the grant of the operative right and accordingly we must deduct $10,000 from the statement.

Making this deduction there is left the sum of approximately $131,700 representing the amount of stock which we may authorize the company to issue for the properties. The order herein therefore will permit Sierra Van and Storage Company to issue $192,100 of stock. This amount includes the $131,700 of stock to be delivered to Frank Pickard in payment for his properties, subject to outstanding indebtedness, $60,000 to be delivered in lieu of the $60,000 of stock issued to pay indebtedness, purchase equipment and provide working capital, as indicated herein, and $400 to be issued to directors for qualifying purposes.

ORDER.

Application having been made to the Railroad Commission for an order authorizing Frank Pickard to transfer an operative right to Sierra Van and Storage Company, a corporation, and authorizing Sierra Van and Storage Company to issue $202,100 of its common capital stock, a public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that the transfer of the operative right should be granted, as provided herein, and that the issue of $192,100 of stock is reasonably required by the corporation;

It is hereby ordered, that Frank Pickard be and he is hereby authorized to transfer to Sierra Van and Storage Company, a corporation, the operative right heretofore acquired by him pursuant to Decision No. 14168, dated October 10, 1924, in Application No. 10485, permitting the transportation of freight, express and baggage between Los Angeles and Pasadena.

It is hereby further ordered, that Sierra Van and Storage Company, a corporation, be and it is hereby authorized to issue $192,100 of its common capital stock in lieu of the $202,100 of stock which applicant heretofore attempted to issue without an order from this Commission, such stock to be issued for the purposes indicated in the opinion which precedes this order.

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The authority herein granted is subject to the following conditions:

1. Frank Pickard shall cancel immediately all time schedules, tariffs, rates and classifications now on file with the Railroad Commission, and Sierra Van and Storage Company, a corporation, shall file immediately new time schedules, tariffs, rates and classifications, or adopt as its own the time schedules, tariffs, rates and classifications heretofore filed with the Commission by Frank Pickard, all such new time schedules, tariffs, rates and classifications to be identical with those heretofore filed with the Commission, such cancellation and filing to be in accordance with the provisions of General Order No. 51 and other regulations of this Commission.

2. Sierra Van and Storage Company, a corporation, hereafter shall not transfer, assign, lease, sell, hypothecate or discontinue the rights and privileges it is herein authorized to acquire.

3. No vehicles may be operated by Sierra Van and Storage Company, a corporation, unless such vehicles are owned by such corporation or are leased by it on a basis satisfactory to this Commission.

4. Sierra Van and Storage Company shall keep such record of the issue and delivery of the stock herein authorized as will enable it to file, within thirty (30) days after such issue and delivery, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

5. The transfer of the operative rights, the cancellation and filing of time schedules, tariffs, rates and classifications and the issue of stock shall be made not later than ninety (90) days from the date hereof, unless such time hereafter is extended by further order of the Commission.

6. The authority herein granted will become effective upon the date hereof.

It is hereby further ordered, that this application in so far as it involves the issue of $10,000 of stock be and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this twenty-first day of January, 1926.

DECISION No. 15888.

IN THE MATTER OF THE APPLICATION OF INLAND EMPIRE GAS COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO FURNISH GAS TO EL CENTRO, IMPERIAL, BRAWLEY, HEBER AND CALEXICO, AND INTERVENING TERRITORY IN IMPERIAL COUNTY, AND FOR AN ORDER AUTHORIZING THE ISSUE AND SALE OF ITS CAPITAL STOCK TO FINANCE SUCH CONTEMPLATED IMPROVEMENT.

Application No. 12116.

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Decided January 21, 1926.

CERTIFICATE—GAS UTILITY—STOCK—TO ISSUE.—Certificate issued to Inland Empire Gas Company to construct, maintain and operate an artificial gas plant or plants at El Centro and other points in the Imperial Valley. Permission granted to issue $375,000 of 7 per cent cumulative preferred stock, and not exceeding $205,800 of common stock.

RIGHT-OF-WAY VALUE.—It is ordered that applicant shall not expend more than $10,000 of the proceeds of stock for the acquirement of rights of way and easements listed by applicant at $52,175.

J. D. Taggart, for Applicant.
J. S. Larue, for City of El Centro.
W. I. Wilson, for City of Brawley.
L. P. Power, for City of Calexico.

BY THE COMMISSION.

OPINION.

The Inland Empire Gas Company asks the Railroad Commission to make an order authorizing it to construct, maintain and operate an artificial gas plant or plants at El Centro and other points in the Imperial Valley, Imperial County, California, and authorizing the company to issue stock to acquire properties and to pay the cost of constructing the gas plant or plants.

The Inland Empire Gas Company was organized under the laws of the State of California for the immediate purpose of engaging in the business of supplying gas for the domestic and commercial consumption in that portion of the State of California commonly known as the Imperial Valley and particularly the towns of El Centro, Imperial, Brawley, Heber, and Calexico, and intervening and adjacent territory, all located in Imperial County, California. The company has an authorized stock issue of $750,000 divided into 15,000 shares of $50 each. The 15,000 shares are divided into 7500 shares of 7 per cent cumulative preferred and 7500 shares of common stock. The preferred stock, under the terms of applicant's articles of incorporation, is redeemable at the option of the company at $52.50 per share, plus dividends accrued or unpaid at the date fixed for redemption.

None of the cities, towns or communities in which applicant intends to sell gas for domestic and commercial purposes have at present any gas service. The population of the cities and the number of consumers applicant believes it can obtain forthwith are submitted as follows:

Northern unit	*Population*	*Consumers*
El Centro	7,000	800
Imperial	2,500	250
Brawley	7,000	600
Subtotals	16,500	1,650

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Southern unit	*Population*	*Consumers*
Heber	250	30
Calexico	7,000	700
Mexicali	11,000	500
Subtotals	18,250	1,230
Grand totals	34,750	2,880

Applicant does not plan to distribute gas in Mexicali but sell gas at wholesale to some individual or corporation for distribution in Mexicali.

No one appeared in opposition to the granting of this application. Representatives of some of the cities expressed the opinion that the cities could be served to better advantage if a plant were located at Calexico, another at El Centro or Brawley, rather than a central plant at El Centro. Applicant has asked the Commission to determine whether it should build one generating plant to serve the entire territory or build a plant at El Centro or Brawley to serve the northern unit, and a plant at Calexico to serve the southern unit. In its Exhibit "B" applicant submits several cost estimates. The cost of a central plant to serve the entire territory, together with the cost of a transmission and distribution system, is submitted by applicant at $525,573. The cost of a plant to serve only El Centro is submitted at $172,500, while the cost of a plant to serve El Centro, Imperial and Brawley is estimated at $338,588 and the cost of a plant to serve Calexico and Mexicali, at $165,707.

We have considered the testimony in relation to a central plant at El Centro, or a plant at El Centro or Brawley and another plant at Calexico, and have reached the conclusion that applicant should construct a plant at El Centro sufficiently large to serve all the cities and communities herein mentioned. While the construction cost of such a plant, including necessary transmission and distribution system, may be somewhat in excess of the cost of a plant at El Centro or Brawley to serve the northern unit, and the cost of a plant at Calexico to serve the southern unit, we find that the annual operating costs of a central plant located at Calexico should be materially less than the cost of maintaining and operating two separate plants. From the standpoint of the consumers, we believe that it is to their interest that a plant be located at El Centro and that such plant be constructed sufficiently large to serve El Centro, Imperial, Brawley, Heber, Calexico and Mexicali. In view of our conclusion in this regard it is not necessary to consider the cost estimates of the separate plants.

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The engineering department of the Commission in the Commission's Exhibit No. 1 estimates the cost of a central plant, including necessary transmission and distribution systems to serve the cities and towns herein mentioned, at $454,860. The difference between the estimate submitted by the company ($525,573) and that submitted by the Commission's engineers ($454,860) is $70,713. The company's Exhibit "B" and the Commission's Exhibit No. 1 contain detailed figures supporting the respective estimates. Comment needs to be made only on one of the items in which there appears to be a substantial difference between the two estimates. Applicant in its Exhibit "B" estimates the cost of deeds, rights of way and easements for the distribution and transmission system at $52,175. The deeds, rights of way and easements which applicant intends to acquire are described as follows:

1. Right of way across Holton Power Company, in county of Imperial, as per deed of right of way, recorded 19th day of April, 1909, in book 27, page 144 of deeds, Imperial County records.

2. Rights of way granted by Holton Interurban Railway Company along and over any and all property of the Holton Interurban Railway Company, as per deed of right of way recorded 19th day of April, 1909, in book 27, page 144 of deeds, Imperial County records. Also rights of way recorded on 19th day of April, 1909, in book 27, page 143 of deeds, Imperial County records.

3. All franchises and rights of way as deeded by Imperial Land Company to Imperial Valley Gas Company granting all the franchises and privileges of said Imperial Land Company over and across streets and alleys of towns of Imperial, Brawley, Calexico and Heber for constructing, laying, operating and maintaining of gas plants and systems, consisting of pipe lines, conduits and any and all means of distributing as for fuel, lighting, power or other purposes as is more particularly set forth and recorded in book 66, page 38 of deeds of Imperial County records.

4. A franchise deeded by the Holton Power Company to the Imperial Valley Gas Company, granting all the franchises and privileges of said Holton Power Company, over and across the streets and alleys of the town of Holtville for the construction, laying and maintaining pipes and pipe lines for the conducting of gas for lighting, heating and power and other purposes as recorded in book 27, page 145 of deeds, Imperial County records.

5. A franchise deeded by the El Centro Land Company to the Imperial Valley Gas Company, granting all the franchises and privileges of said El Centro Land Company, over and across the streets and alleys of the town of El Centro for the construction, laying, operating and maintaining pipes and pipe lines for conducting gas for lighting, heating and power and other purposes as recorded in book 66, page 17 of deeds, Imperial County records.

6. A permit from Imperial County to Imperial Valley Gas Company, under date of February 3, 1913, permitting Imperial Valley Gas Company to lay, construct and maintain a system of pipes and pipe lines under and across the public roads and highways of said county of Imperial as is more particularly set forth in the minutes of the board of supervisors of Imperial County of the third day of February, 1913.

It is our opinion that the franchises, easements and rights of way proposed to be acquired by the applicant are clearly not of the value of said $52,175. From the evidence in the case we believe that $10,000 is a fair valuation to be placed on said rights and that they should be obtainable by the applicant for a sum not in excess of that amount. In the event that the proposed rights could not be acquired for such amount, we believe that said rights of way could be duplicated and comparable franchise rights obtained direct from the respective munici-

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palities at a cost within said figure. To pay for such rights, the order herein will authorize the issuance of $12,500 of common or preferred stock, such common stock to be issued and sold to net the applicant not less than 80 per cent of its par value, or preferred stock at not less than 85 per cent of its par value. Applicant will be given the right to pay for the rights, franchises and easements to which reference has been made herein in cash in the sum of $10,000 or to deliver to the present owner of such rights common or preferred stock on the basis indicated.

For the purpose of this proceeding we will assume the cost of an artificial gas generating plant and appurtenances located at El Centro with transmission lines to Calexico and Brawley, distribution systems at El Centro, Imperial, Brawley, Heber and Calexico, at $483,398 including all preliminary expenses referred to in this application. The $483,398 includes the $4,000 reported in applicant's Exhibit "C" as having been expended for preliminary investigations and engineering reports and the $932.51 reported in Exhibit "D" as having been expended for legal services, fees and taxes paid to the Secretary of State and other organization expenses.

Applicant estimates its operating expenses as follows:

Production and compression expense		$72,730 00
Oil for gas making	$51,610 00	
Labor and maintenance and miscellaneous	15,360 00	
Compression expense, fuel, etc	5,760 00	
Distribution and commercial expenses		15,030 00
State taxes		10,442 00
Depreciation		12,750 00
Miscellaneous		1,800 00
Total expenses		$112,752 00

Applicant estimates its annual operating revenue at $161,730. In arriving at this figure it calculates a retail rate of $1.95 per thousand cubic feet for gas sold in Calexico and a wholesale rate of $1.50 for gas sold for distribution in Mexicali. The quantity of gas sold in Calexico is estimated at 71,400 M. C. F. and the quantity sold at wholesale for distribution in Mexicali at 15,000 M. C. F. If applicant realizes the amount estimated and can operate its plant on the above basis it will have a return of $48,978 which represents the amount available for the payment of interest, if any, on indebtedness, dividends on stock and for surplus.

Applicant proposes to finance the construction of its plants and properties entirely through the issue of preferred and common stock. It asks the Railroad Commission to determine the amount of stock and the class of stock which it should issue for such purposes. It asks that it be permitted to expend an amount equal to 20 per cent of the par value of the stock sold to pay the cost and expenses incident to the sale of the stock.

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In our opinion applicant should be authorized to issue and sell $375,000 of its 7 per cent cumulative preferred stock and $205,800 of its common stock. To pay expenses incident to sell the preferred stock, applicant may expend an amount not exceeding 15 per cent of the par value of the stock sold; and to sell the common stock, an amount not exceeding 20 per cent of the par value of the stock sold. It is understood that the allowances herein permitted are to cover all commissions, brokerage fees, advertising and all other expenses incident to the sale of the stock. Applicant will not be permitted to accept any notes in payment for stock. If it sells any stock on the installment payment basis, the balance due should be noted on the purchaser's stock subscription and not covered by notes.

ORDER.

Inland Empire Gas Company having applied to the Railroad Commission for permission to construct, maintain and operate an artificial gas plant, as indicated in the foregoing opinion, and for permission to issue stock, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that public convenience and necessity require and will require the construction, operation and maintenance of the gas plant referred to herein and that the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required by applicant, and that the expenditures are not in whole or in part reasonably chargeable to operating expenses or to income, and that the application should be granted, as herein provided; therefore

The Railroad Commission hereby finds and declares that public convenience and necessity require and will require Inland Empire Gas Company to construct, operate and maintain an artificial gas generating plant located at El Centro, and to construct, operate and maintain transmission and distribution lines to sell gas for domestic and commercial purposes to residents in El Centro, Imperial, Brawley, Heber, Calexico, Mexicali and intervening and adjacent territory.

It is hereby ordered, that the Inland Empire Gas Company be and it is hereby authorized to issue not exceeding $375,000 of 7 per cent cumulative preferred stock and not exceeding $205,800 of common stock.

It is hereby further ordered, that if Inland Empire Gas Company sells any of the stock herein authorized to be issued, such stock shall be sold for cash at not less than par, and that applicant may, if necessary, expend an amount not exceeding 15 per cent of the par value of the preferred stock sold and an amount not exceeding 20 per cent of the common stock sold to pay commissions, brokerage fees, advertising costs and other expenses incident to the sale of such stock. The remaining proceeds shall be used by applicant to acquire and

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construct the artificial gas generating plant, transmission and distribution system and properties referred to in the foregoing opinion, and in applicant's Exhibit "B," and to pay the indebtedness referred to in applicant's Exhibit "C" and applicant's Exhibit "D," provided that not more than $10,000 of said proceeds may be expended to acquire the rights of way, franchises and easements necessary to construct, operate and maintain such gas plant; said $10,000 to be paid in cash or in stock, as indicated in the foregoing opinion.

It is hereby further ordered, that Inland Empire Gas Company shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted to issue stock and construct, operate and maintain an artificial gas generating plant shall become effective upon the date hereof; that under the authority granted no stock may be issued, sold or delivered after December 31, 1926; and that if applicant does not begin the construction of said gas plant before December 31, 1926, all rights herein granted to construct said plant terminate on said date.

Dated at San Francisco, California, this twenty-first day of January, 1926.

DECISION No. 15893.

IN THE MATTER OF THE APPLICATION OF MOTOR TRANSIT COMPANY FOR AN ORDER PERMITTING THE REVISION OF PASSENGER FARES ON ITS LOS ANGELES–DOWNEY LINE AND ON THE LINES OF DILLINGHAM TRANSPORTATION COMPANY OPERATED BY APPLICANT UNDER LEASE.

Application No. 11455.

Decided January 22, 1926.

RATES—AUTO STAGE—COMMUTATION BOOKS.—Permission granted applicant to adjust single fares on the basis of not in excess of 2½ cents per mile, and 10 cents minimum fare between local points. Permission granted to discontinue 60-ride commutation books.

Herbert W. Kidd, for Applicant.

BY THE COMMISSION.

OPINION.

The Motor Transit Company, a corporation, has petitioned this Commission, under the provisions of chapter 213, Statutes 1917, for an order granting authority to adjust passenger fares, one-way, round-trip, 10-ride and 30-ride, between points on its line extending from Los Angeles to Downey, and also the fares on the line of Dillingham Transportation Company, which company is now being operated by

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applicant under a lease arrangement by authority of Application No. 9917, Decision No. 13373, dated April 5, 1924. Permission is also requested to eliminate entirely the sale of 60-ride commutation fares at various points on the Los Angeles-Downey line.

A public hearing was held at Los Angeles November 4, 1925, before Examiner Geary, and the case having been duly submitted is now ready for an opinion and order.

The Los Angeles-Downey line, hereinafter referred to as the Downey division, extends from Los Angeles to County Farm via Downey, a distance of 15.8 miles. The lines of Dillingham Transportation Company, hereinafter referred to as the Dillingham line, extend from Pasadena to Long Beach via three separate routes. The short route is via Mountain View Heights and Bandini, a distance of 33 miles, and it is over this route that the preponderance of through traffic between Pasadena and Long Beach moves. The second route extends through Alhambra, El Monte, Whittier and Rivera, a distance of approximately 40 miles, while the third route is via Alhambra, Montebello, Whittier and Los Nietos, also a distance of about 40 miles. The two latter routes are primarily patronized by passengers traveling between the intermediate points, as practically no through business between Pasadena and Long Beach is handled via these longer routes.

Applicant maintains that the present fares in effect between points on these two lines are on an inconsistent basis, having been established by the former owners without adequate regard to the length of the haul, with the result that between some points the fares are too high, while between other points the fares are too low. It is claimed that under the present adjustment the fares do not produce sufficient revenue to cover the actual out-of-pocket costs of operation, and the purpose of the application is to secure additional revenue and to eliminate the inconsistencies in the present fares, resulting in both increases and reductions.

Applicant contends that in the operation of the Downey division, for the entire years 1923 and 1924 and for the first eight months of 1925, there was an actual operating deficit of $15,371.23, and on the Dillingham line since April 11, 1925, the date on which applicant took over the operation of that line, there has been an actual operating loss of $42,587.17. It is further contended by applicant that the per car mile revenue received from the Downey division and the Dillingham line is considerably lower than the average per car mile revenue received from the operation of its entire system. For the year 1923 and 11 months of 1924, the Downey division produced an average per car mile revenue of 20.01 cents, while during the same period the system as a whole, except the Mountain division, produced an average

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per car mile revenue of 23.93 cents. The revenue per car mile received from the operation of the Dillingham line during the period from April 1 to November 30, 1924, was 13.80 cents and the revenue per car mile from the entire system, except the Mountain division, for that period was 22.64 cents. Based on a travel check made for two representative periods of 15 days' duration, the fares proposed by applicant would produce a per car mile revenue of 23.2 cents on the Downey division and 17.52 cents on the Dillingham line.

The fares proposed are predicated on a combination mileage and arbitrary basis; that is, applicant proposes to determine the fare to the first point from the terminals by the use of a 2½ cents per mile scale, with a minimum fare of 10 cents, and then from this base point build up the fares to the other points beyond by adding an arbitrary of 5 cents for each additional two miles or fraction thereof. The proposed round trip fares are based 85 per cent of two one-way fares; the 10-ride fares 70 per cent of 10 one-way fares, and the 30-ride fares 60 per cent of 30 one-way fares.

The proposed basis of making one-way fares is not logical and, in many instances, will produce the same inconsistencies in fares that applicant is hereby attempting to cure. As illustrative, there is proposed between Los Angeles and Power House, a distance of 9.5 miles, a one-way fare of 25 cents, while between Power House and College Corner, a distance of but 4.8 miles, applicant also proposes to establish a one-way fare of 25 cents. Numerous other inequalities of the same nature would result under the proposed adjustment. Indeed, this unsatisfactory situation would result at many points situated close together, as is aptly illustrated by the proposed adjustment between Power House and County Farm. Those points are slightly over 6 miles apart and between them are located four other points, namely; Laguna, Tweedy Corner, Downey and College Corner, all situated south of Power House, their geographical location being in the order named. From Power House to Laguna, a distance of .3 mile, applicant proposes to establish the minimum one-way fare of 10 cents. For the additional haul of 1.4 miles to Tweedy Corner 5 cents is added; to Downey, 1.5 miles from Tweedy Corner, another 5 cents; to College Corner, 1.4 miles from Downey, still another 5 cents, and to County Farm, 1.5 miles from College Corner, a final 5 cents, making a fare of 30 cents for the 6 mile haul from Power House to County Farm, or at the rate of 5 cents per mile, as compared with the proposed fare of 25 cents for a 10-mile haul between Los Angeles and Laguna, or at a rate of 2½ cents per mile. The round trip, 10-ride and 30-ride fares, being predicated on the one-way fares the same disparities would exist.

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A further instance of the inconsistencies flowing from this basis of making passenger fares is the difference in the proposed fares between Bandini and County Farm over the Downey division and the Dillingham line. The operation of these two lines between Bandini and County Farm is over the same route, but via the stage that operates over the Downey division the proposed one-way fare is 30 cents, while via the stage that operates over the Dillingahm line the proposed one-way fare is 25 cents. There is no evidence in this record that would justify a difference in fares applicable between the same points served by two lines under the same management and where the circumstances and conditions surrounding the traffic are identical.

The adjustments proposed would undoubtedly produce some additional revenue, but applicant has apparently given more study to the establishment of consistent fares between the points where the preponderance of traffic moves than between the points where the traffic is light. The purpose of the application is twofold; first, to secure sufficient revenue to at least cover the operating costs and fixed charges; and second, to eliminate the inconsistencies in the present fares. The first purpose would be realized to some extent, but as for the second applicant has failed to suggest fares which would entirely cure the maladjustment now prevailing. In fact, the inconsistent fares that are proposed would, no doubt, retard traffic to some extent, with a resultant loss in revenue, thus in a measure offsetting the benefits derived from the fares that are established with due regard to the length of haul.

On this record it appears positive that applicant is in need of additional revenue to enable it to properly conduct its common carrier duties over the two lines herein under consideration, especially in view of the fact that an examination of applicant's annual report for the year 1924, which was made a part of the record in this proceeding, shows that in the operation of its entire system for that year there was an actual operating loss of $56,363.04.

We are of the opinion and find that applicant should be afforded relief, and while we can not approve of the fare structure proposed we will authorize fares between the terminal points on both the Downey division and the Dillingham line, as follows:

1. Between Los Angeles and County Farm a one-way fare of 40 cents; round trip 70 cents; 10-ride $2.80 and 30-ride $7.20.

2. Between Pasadena and Long Beach via Mountain View Heights a one-way fare of 75 cents; round trip $1.30; 10-ride $5.25 and 30-ride $13.50.

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3. Between Pasadena and Long Beach via Alhambra, El Monte, Whittier and Rivera, and via Alhambra, Montebello, Whittier and Los Nietos, a one-way fare of $1; round trip $1.70; 10-ride $7 and 30-ride $18.00.

The one-way fares between intermediate points may be graded according to distance, but not in excess of 2½ cents per mile, observing the minimum fare of 10 cents between the local points. Round trip fares will be 85 per cent of 2 one-way fares; 10-ride commutation 70 per cent of 10 one-way fares, and 30-ride commutation 60 per cent of 30 one-way fares.

In computing and applying the fares authorized herein, fractions will be treated as follows: Amounts of less than 2½ cents will be dropped; amounts of 2½ cents or more, but less than 7½ cents will be stated as 5 cents, and amounts of 7½ cents or more, but less than 10 cents, will be stated as 10 cents.

There now remains for consideration applicant's request for authority to eliminate the sale of 60-ride commutation books on the Downey division. This class of transportation is now sold only between Los Angeles on the one hand, and on the other Bandini, Laguna, Downey and County Farm and is limited to 30 days from date of sale. The 60-ride commutation books are not used to any great extent, the commuting public preferring to purchase in lieu thereof two 30-ride books, the use of which is limited to 90 days from date of sale. The evidence submitted in support of this contention indicates that the sale of 60-ride commutation books is negligible and in view of the fact that the fares now produce a revenue per passenger per mile of less than 1.5 cents, we are of the opinion and find that applicant is entitled to eliminate the sale of 60-ride commutation books on its Downey division, and cancellation of the 60-ride commutation books is hereby authorized.

The applicant shall file with the Commission on or before the twentieth (20th) day of each month, for a period of six (6) months, a statement for the previous month showing in detail the total revenue received under the fares herein authorized and what would have accrued under the fares now in effect, also the total operating expenses, depreciation and taxes and the net operating revenue. The revenue and expenses should be compiled in conformity with the Commission's order of January 1, 1922, uniform classification of accounts.

This proceeding will be held open for a supplemental order should the actual results obtained make such action necessary.

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ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order;

It is hereby ordered, that applicant, Motor Transit Company, be and it is hereby authorized to establish on fifteen (15) days' notice to the Commission and to the public the following fares:

1. Between Los Angeles and County Farm a one-way fare of 40 cents; round trip 70 cents; 10-ride $2.80 and 30-ride $7.20.

2. Between Pasadena and Long Beach, via Mountain View Heights, a one-way fare of 75 cents; round trip $130; 10-ride $5.25 and 30-ride $13.50.

3. Between Pasadena and Long Beach, via Alhambra, El Monte, Whittier and Rivera, and via Alhambra, Montebello, Whittier and Los Nietos, a one-way fare of $1; round trip $1.70; 10-ride $7 and 30-ride $18.

It is hereby further ordered, that applicant, Motor Transit Company, be and it is hereby authorized and directed to establish at the intermediate points between Los Angeles and County Farm and between Pasadena and Long Beach a schedule of fares, one-way, round trip, 10-ride and 30-ride, graded on the basis specifically authorized in the preceding opinion.

It is hereby further ordered, that applicant, Motor Transit Company, be and it is hereby authorized to eliminate all 60-ride commutation fares applicable between points on its Los Angeles-Downey division.

It is hereby further ordered, that applicant, Motor Transit Company, file with this Commission on or before the twentieth (20th) day of each month, for a period of six (6) months after the new fares become effective, a statement showing for the preceding month the number of passengers handled between all points on its lines here under consideration, the earnings under the old and new fares and the revenue and expenses, the information as to the revenue and expenses to be compiled in conformity with the Commission's order effective January 1, 1922, uniform classification of accounts.

It is hereby further ordered, that this proceeding be held open for a supplemental order should the Commission deem further action necessary.

Dated at San Francisco, California, this twenty-second day of January, 1926.

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DECISION NO. 15895.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING APPLICANT TO ISSUE, SELL AND DELIVER ITS FIRST PREFERRED CAPITAL STOCK TO THE PAR VALUE OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, AND TO USE THE PROCEEDS FROM THE SALE OF SAID STOCK IN THE MANNER AND FOR THE PURPOSES SET FORTH HEREIN.

Application No. 12413.

Decided January 23, 1926.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Pacific Gas and Electric Company authorized to issue and sell, at not less than $95 a share, 25,000 shares of its first preferred 6 per cent stock, and to use the proceeds from the sale thereof to finance additions and betterments.

C. P. Cutten, for Applicant.

BY THE COMMISSION.

OPINION.

In this application Pacific Gas and Electric Company asks permission to issue and sell, at not less than $95 a share, 25,000 shares of its 6 per cent cumulative preferred stock of the aggregate par value of $2,500,000 and to use the proceeds to finance, in part, the cost of constructing additions, betterments, extensions and improvements to its facilities and to those of Mt. Shasta Power Corporation described in exhibits "B," "C," "D" and "E" filed with Application No. 12192.

In Application No. 12192, filed with the Commission on December 3, 1925, applicant reported its uncapitalized construction expenditures, and those of Mt. Shasta Power Corporation, as of September 30, 1925, and the unexpended balances at that time, and the estimated expenditures of the two companies for 1926 at $26,875,925.74, as follows:

Unreimbursed capital expenditures at September 30, 1925, of Pacific Gas and Electric Company and Mt. Shasta Power Corporation (Exhibit B)	$10,114,330 26
Unexpended balance of capital expenditures authorized at September 30, 1925—Pacific Gas and Electric Company (Exhibit C)	8,342,091 11
Estimated cost of new construction arising out of development of the business of Pacific Gas and Electric Company and the addition of new consumers during the remainder of the year 1925 and the calendar year 1926 (Exhibit D)	6,000,000 00
Unexpended balance of capital expenditures authorized at September 30, 1925—Mt. Shasta Power Corporation (Exhibit E)	2,419,504 37
Total	$26,875,925 74

The expenditures, actual and estimated, were described in some detail in exhibits "B," "C," "D" and "E" attached to the application. The Commission was asked, in that proceeding, to give consideration to such expenditures and to authorize the company to use $464,105.40,

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being the remaining proceeds to be received from the sale of stock theretofore authorized, to finance them, in part. This request was granted by Decision No. 15758, dated December 16, 1925.

Thereafter the Commission, in Application No. 12261 and in Application No. 12277, was asked to give consideration to the reported expenditures described in Application No. 12192 and to authorize the company to issue and sell $2,500,000 of the preferred stock and $5,000,000 of the common stock on account of such expenditures. The Commission, by Decision No. 15782, dated December 21, 1925, authorizing the issue and sale of $2,500,000 of preferred stock at not less than 95 per cent of par value, and by Decision No. 15874, dated January 19, 1926, the issue and sale of $5,000,000 of common stock at not less than par and use the proceeds to finance in part the aforesaid expenditures.

The company now reports that up to January 8, 1926, it had sold $2,204,600 of the preferred stock and it estimates that the sale of the entire $2,500,000 authorized and the use of the $464,105.40 covered by Decision No. 15758 will make available for the payment of the expenditures of $26,875,925.74 the sum of $2,889,105.40. In addition, the issue and sale of the common stock, Decision No. 15874, should provide $5,000,000 more for the same purpose.

Deducting the two amounts from the reported expenditures, leaves a balance of $18,986,820.34 to be provided from other sources and to finance which, in part, the present request to issue additional preferred stock is made.

ORDER.

Pacific Gas and Electric Company having applied to the Railroad Commission for permission to issue and sell $2,500,000 of preferred stock, and the Commission being of the opinion that this is a matter in which a public hearing is unnecessary and that the money, property or labor to be procured or paid for through such issue is reasonably required for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Pacific Gas and Electric Company be and it is hereby authorized to issue and sell, at not less than $95 a share, 25,000 shares of its first preferred 6 per cent stock of the aggregate par value of $2,500,000 and to use the proceeds to finance in part the expenditures for additions, betterments, extensions and improvements to its property and facilities and to those of Mt. Shasta Power Company, described in exhibits "B," "C," "D" and "E" filed in Application No. 12192, provided that only such expenditures as are properly chargeable to fixed capital as defined by the uniform system of accounts prescribed or adopted by this Commission may be financed with such proceeds.

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It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-third day of January, 1926.

Decision No. 15899.

IN THE MATTER OF THE APPLICATION OF GOLDEN GATE FERRY COMPANY (A CORPORATION) FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A PUBLIC FERRY FOR THE TRANSPORTATION OF PERSONS AND PROPERTY ACROSS THE INLAND WATERS OF THE STATE BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND BERKELEY.

Application No. 11692.

Decided January 25, 1926.

CERTIFICATE—CARRIER BY WATER—PUBLIC FERRY.—Finding that there is neither public convenience nor public necessity for the operation of the proposed ferry service, the application is denied.

COMMISSION'S JURISDICTION—It is not necessary for the Commission to pass upon the question of the jurisdiction of the Commission over the proposed service, the Supreme Court having practically affirmed the Commission's jurisdiction (*Rodeo-Vallejo Ferry Company* vs. *Railroad Commission*) by its refusal to grant the petition for a rehearing, which was denied May 28, 1825.

DUPLICATION OF FACILITIES.—It is found that it would be a wasteful duplication of facilities, placing an undue burden upon the public, which would be called upon to support the additional service, to permit the new utility to enter the field, where already occupied by a utility that has pioneered the field, and is rendering efficient, cheap and adequate service, and the territory is so generally served that it may be said to be fully occupied.

Dudley Sales and *Devlin and Brookman*, for Applicant.
E. J. Sinclair, City Attorney, and *Frank B. Stringham*, Mayor, for the City of Berkeley.
H. C. Booth, for Protestant, Southern Pacific Company.
Dunne, Brobeck, Phleger and Harrison, by *H. H. Phleger*, for Protestant, Key System Transit Company.
Charles Keeler, for Berkeley Chamber of Commerce.
T. H. DeLap, for Richmond Chamber of Commerce.
Geo. W. Hickman, for Albany Improvement Association.
J. J. Rahill, for Berkeley Manufacturers Association.
Herbert L. Hatch, for Park-Presidio Association and Geary Street Merchants Association.
Walter M. King, for Golden Gate Merchants Association.
J. H. Janson, for University Avenue Development Association, Berkeley.
W. C. Aylsworth, for North Berkeley Business Men's Association.
W. H. McLaughlin, for Post-Van Ness-Larkin District Association.
James S. Greene, for National Automobile Club.
Edward F. Schulz, for San Pablo Development Association.
Fred S. Stripp, for Berkeley Lions Club and North Brae Improvement Club.
Donald Parce, for Kensington Improvement Club.

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C. A. Squire, for Sausalito Chamber of Commerce.
John A. O'Connell, for San Francisco Labor Council.
Frank E. Bates, for Sherman, Clay and Company.
R. J. Bekins, for Bekins Van and Storage Company.
W. McCarthy, for Ashby Community.
R. V. McPherson, for Vallejo Chamber of Commerce.
Mrs. A. W. Erskine, for Buena-Peralta Improvement Association.
H. R. Morris, for Alameda Chamber of Commerce.

DECOTO, *Commissioner*.

OPINION.

This is an application of the Golden Gate Ferry Company for a certificate of public convenience and necessity to operate a public ferry for the transportation of persons and property across the inland waters of the state between the city and county of San Francisco and the city of Berkeley, in the county of Alameda. The applicant now operates a ferry for the transportation of persons and property between the foot of Hyde street in San Francisco and Sausalito in the county of Marin. It is proposed to operate a similar ferry service from its present slips at the foot of Hyde street to a slip at the end of a pier, projecting westerly and southerly from the foot of University avenue, Berkeley, to the pierhead line, which is about 3½ miles from the foot of University avenue. Applicant has already entered into a fifty-year lease with the city of Berkeley for the necessary property on the Berkeley side of the bay at the foot of University avenue and has obtained a franchise from the city and county of San Francisco to operate this ferry for the transportation of persons and property upon the terms and conditions set forth in the franchise (Ordinance of City and County of San Francisco, No. 6762, New Series).

It is estimated that the proposed service will require three new boats, costing approximately $375,000 each and that the entire capital cost of facilities for the new service, including these new boats, will be in the neighborhood of $2,500,000.

The Key System Company opposed the granting of the application on the ground that public convenience and necessity do not require the establishment of such ferry; that it would be in competition with the passenger service which, as at present operated by the existing transportation companies, is fully adequate to supply the demands of the public; that the establishment of such competitive system would also result in a duplication of facilities beyond the public need and would bring about an increase in capital investment upon which a return must be paid by the public in increased fares.

The Southern Pacific Company filed a protest against the granting of a certificate of public convenience and necessity to applicant on the ground that both the Key System Transit Company and the Southern Pacific Company had many millions invested in ferry steamers, tracks, rights of way and electric railway equipment in trans-

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bay service and that each operates service at frequent intervals and at rates of fare, which do not result in adequate returns upon the capital so invested; that in so far as the Southern Pacific Company was concerned the revenues from this service do not defray the expense of operation; that the cost of such transportation to the public can be kept at a minimum only by permitting the present carriers to operate to their maximum efficiency and to carry such number of passengers as will render the service remunerative; that if the number of patrons, handled by them, should be materially reduced the cost of transportation of each passenger will be increased accordingly and greater individual passenger fares will be justified; that the Southern Pacific Company is conducting a vehicular ferry service between San Francisco and the foot of Broadway, Oakland, Oakland pier and Richmond respectively; that this service is excellent and adequate and the Southern Pacific Company is financially able to provide for the present and future needs for passenger and automobile transportation between San Francisco and the east side of San Francisco Bay and stands ready to increase its existing service as business offered may require.

In dealing with this application, I shall divide it into two divisions, the first having to do with foot passengers and the second with vehicular traffic.

FOOT PASSENGERS.

The Key System now operates into the territory proposed to be served three lines of electric railway, the main line being on Shattuck avenue and parallel to the line of the Southern Pacific for some distance, one of the others operating east of Shattuck avenue on Bancroft way, College avenue and Alcatraz avenue, to a junction with the Shattuck avenue line at Alcatraz avenue and Adeline street, the other being west of Shattuck avenue on Sacramento street and approximately midway between that avenue and San Pablo avenue. Trains and cars for the transportation of foot passengers operate over these lines on a twenty-minute headway during the day until seven p.m. and thereafter on a forty-minute headway.

The Southern Pacific Company now operates into the territory proposed to be served, four lines of electric railroad, the main one being on Shattuck avenue, the heart of the business district of Berkeley and running into North Berkeley. Supplementing this main line is the Ellsworth street line a few blocks east of Shattuck avenue, the California street line running midway between Shattuck and San Pablo avenues and the Ninth street line running parallel to and west of San Pablo avenue. Trains are operated over these lines at intervals of twenty minutes during the day until seven o'clock in the evening, when they operate on a forty-minute headway.

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Throughout the hearing applicant has repeatedly refused to abandon that portion of its application seeking permission to carry foot passengers and has insisted that the application must stand or fall in its entirety. Applicant admits that it intends to handle all foot passengers applying for transportation.

The testimony of all witnesses, whether called for the applicant or for the protestants, was to the effect that there was ample service now maintained and operated by the Key System Transit and the Southern Pacific companies for the transportation of foot passengers between Berkeley and San Francisco, and all witnesses testified that the service was satisfactory and many of them that it was excellent.

All the witnesses called were unanimously of the opinion that no new service or facilities for the transportation of foot passengers were required or desired.

From all these facts it is self-evident that there is neither public necessity nor even public convenience for the establishment of additional facilities for the transportation of foot passengers and that the establishment of the service as requested by applicant would not only be an unnecessary and wasteful duplication of facilities but would also lead to the investment of additional capital upon which the traveling public must pay the return.

It would only be adding to the burden which must be borne by the traveling public in the cities of Oakland and Berkeley, which already have ample facilities for transportation of foot passengers across the bay.

VEHICULAR TRAFFIC.

The applicant proposes to put into this service three new Diesel electric boats, each having a capacity of 80 cars and 800 foot passengers and a speed of 13½ or 14 knots, capable when loaded of making the trip from San Francisco to Berkeley in 20 minutes, including time required for loading and unloading, and operating from 5 a.m. to 6.30 a.m. on a thirty-minute headway and thereafter on a twenty-minute headway to 7 p.m., then every thirty minutes to 10 p.m. and then every hour to 1 a.m.

The Southern Pacific Company, on all days except Saturday, Sunday and holidays, now operates from Oakland pier on a twenty-minute headway from 6.20 a.m. to 7.40 p.m., then on a forty-minute headway to 12.20 a.m., the next boat leaving at 1.15 a.m. On Saturdays, it commences operation at 6.20 a.m., the boats leaving Oakland Pier on a twenty-minute headway to 11.30 a.m., then on a fifteen-minute headway to 6.15 p.m., then on a twenty-minute headway to 8.20 p.m. and then on a forty-minute headway to 12.20 a.m., the last boat leaving at 1.15 a.m. On Sundays and holidays, it operates on a twenty-

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minute headway from Oakland pier, beginning at 6.20 a.m. and continuing to 9 a.m., then on a fifteen-minute headway to 3.45 p.m., then on a ten-minute headway to 4.15 p.m., then on a fifteen-minute headway to 4.45 p.m., then again on a ten-minute headway to 5.15 p.m., then again on a fifteen-minute headway to 5.45 p.m., then back to the ten-minute headway to 9.30 p.m., then on a fifteen and twenty-minute headway to 12 m., then to 12.30 p.m. and 1 p.m.

An analysis of the evidence shows that the maximum saving in distance from any part of Berkeley and from points in north and central California will be 2.6 miles, that being the difference between the distance from the junction of University and San Pablo avenues to the proposed new slip, which is four miles, and the distance from the same point to Oakland pier, which is 6.6 miles, it being necesssary for practically all of this traffic, except that west of San Pablo, to come to this junction before turning west to the proposed ferry. An automobile or truck running at 20 miles per hour, the legal speed along this route, will travel 2.6 miles in 7.8 minutes.

In order to provide for the traffic from northern and central California points, coming into the bay section over the highway near Richmond, a certificate of public convenience and necessity was granted to the San Francisco-Richmond Ferry Company. The franchise and certificate of that company was subsequently acquired by the Southern Pacific Company and the ferry has since been operated for the accommodation of this traffic by that company. However, to those coming in from northern and central California points, not desiring to use the Richmond ferry, this slight saving in time above set forth is practically negligible. Neither does it seem to be of very considerable advantage on a run from the points in Berkeley upon which the saving in distance would be possible. From all points east of Shattuck avenue it is questionable whether there will be any saving of time on account of the added distance from the junction of San Pablo and University avenues and the shortened distance down Shattuck avenue along Adeline street and over Peralta street to the Oakland pier, neither will there be any saving in time from most points in Berkeley south of University avenue outside the circumference of a circle, having a radius of 1.3 miles from the junction of San Pablo and University avenues.

The evidence offered shows that the facilities and schedule of the Southern Pacific vehicular ferries were sufficient to handle all the traffic offered in an expeditious and satisfactory manner. The evidence further shows that this company used six (6) boats in the traffic and has two (2) more boats suitable to handle the traffic, which would enable it to handle an increase of one-third in the present vehicular

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traffic and operate on a seven and one-half-minute headway. It also appeared that by the addition of another slip at the Oakland pier it could operate twelve (12) boats on a five-minute headway, which would care for double the present traffic. This company expressed not only the willingness but the intention to increase its facilities as traffic was offered and the evidence showed that since the establishment of the vehicular ferry at Oakland pier this company has steadily added facilities when warranted by the traffic and has at all times given expeditious and satisfactory service.

The position of the Commission on applications of new utilities to enter the field of public utilities already established has been so well expressed by former Commissioners Eshleman and Thelen in *Pacific Gas and Electric Company* vs. *Great Western Power Company,* 1 C. R. C. 209, that I believe that it should be reiterated here:

* * * It certainly is true that where a territory is served by a utility which has pioneered in the field, and is rendering efficient and cheap service and is fulfilling adequately the duty which, as a public utility, it owes to the public, and the territory is so generally served that it may be said to have reached the point of saturation as regards the particular commodity in which such utility deals, then certainly the design of the law is that the utility shall be protected within such field; but when any one of these conditions is lacking, the public convenience may often be served by allowing competition to come in. It has been urged in this proceeding that where a utility occupying a field has generally served such field so that the advent of a second utility would merely serve to divide the business, then if the existing utility has the ability, if it chooses to do so, to furnish such territory efficiently and at as reasonable rates as can be legitimately accorded by the utility desiring to enter the field, even though it had theretofore charged excessive rates or given inefficient service, yet sound economy would require the authority, which has the power to regulate the rates and service of such utility, to require the existing utility to furnish such territory adequately and cheaply, and to keep the second utility out. Theoretically, much can be said in favor of this contention, but to attempt to apply it would, in practice, defeat the very intent of the Public Utilities Act in all cases where utilities did not voluntarily accord to their patrons those things which are their due, or, at least, would impose upon the public authorities the burden of forcing such utilities into a realization of what their proper relationship to the public is.

In times past in this state efforts on the part of the public authorities to force utilities to give reasonable rates and adequate service have been met with long-continued litigation, and if the public authorities have at hand an efficient and summary method of forcing public utilities to accord to their patrons such reasonable rates and adequate service, then, in our opinion, it is their duty to use it. If any territory served by an existing utility is afflicted by such utility with excessive rates of inefficient service, and a second utility of the same kind desires to enter such territory, and this Commission should say to the existing utility, "although when you had matters your own way, you lost sight of your duty to the public, yet we will still preserve for you this territory in consideration of your future good behavior," in how many instances does anyone suppose a new utility would apply to enter a territory served by an existing utility when the only effect of all its trouble and expense would be the cheapening of the rate and the improvement of the service of the existing utility? And hence if we should in the very first important contested application for a certificate of public convenience and necessity announce the rule that where the major portion of a territory is served, though inefficiently and at high rates, the result of such application will be merely to put the existing utility upon its good behavior, then we would, in effect, be saying to all the offending utilities of this state, if there be any, "you may proceed with your present methods until competition knocks at the door of your territory and only then will you be compelled to do justice," and we would be saying to every new public utility, "you will knock in vain at the door of any field now served by a utility." The result would be that

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old utilities would keep their territory unspurred by the fear of competition, knowing always that only when it was imminent need they prepare to do justice to their patrons, and the new utilities, having no incentive to apply for permission to go into territory more or less completely, but inefficiently served, would limit themselves to new fields within which they would soon, in turn, assume the same attitude as would be assumed by the old utilities now doing business within the state. Rather, do we announce the rule that only until the time of threatened competition shall the existing utility be allowed to put itself in such a position with reference to its patrons, that this Commission may find that such patrons are adequately served at reasonable rates. By announcing this principle, we hope we shall hold out to the existing utilities an incentive which will induce them voluntarily, without burdening this Commission, or other governmental authorities, to accord to the communities of this state those rates and that service to which they are in justice entitled, and to the new utilities we shall likewise hold out the incentive that on the discovery by them of territory which is not accorded reasonable service and just rates, they may have the privilege of entering therein if they are willing to accord fair treatment to such territory. We understand the certificate of public convenience and necessity to be in this state largely a precautionary measure. We have already dealt somewhat at length with the cases wherein we believe competition should be allowed, even though such competition will mainly serve to take patrons from the existing utility. If, however, a territory is completely served and the utility has, to the best of its ability, given fair treatment to its patrons, as already intimated, this Commission will be slow to permit a competitor to come into its territory. One of the few cases where, under such circumstances, the competitor will be permitted to enter the field, will be where the competitor can adequately furnish the commodity at a rate so much less than the rate which can be accorded by the existing utility, that the interests of the public demand the commodity at the lower rate. We are aware that this may work hardships upon small companies, and we are likewise aware that the state owes a duty to the small utility which has gone into a field and furnished the inhabitants thereof with a service which would otherwise have been denied them. When the advent of the new utility, under such circumstances, will serve, through legitimate competition, to impair the investment of the existing utility, the difference in rates which may be legitimately accorded by the new utility must be so considerable that the public interest clearly demands the rendition of the service at the lower rate before this Commission will be moved to permit the competitor to enter such field, provided, always, as we have already said, that the existing utility, be it small or great, has been doing its best to treat its patrons fairly.

From this language it is apparent that no new utility should be permitted to enter the field already served by another if all the following conditions applicable to this case are present.

1. If the territory is served by a utility that pioneered in the field.
2. If the utility is rendering efficient service.
3. If the utility is rendering cheap service.
4. If the utility is fulfilling adequately the duty which, as a public utility, it owes to the public.
5. If the territory is so generally served that it may be said that the field of service is fully occupied.

The Southern Pacific Company, for over forty years, has carried upon its ferries vehicular traffic. First there were the horse-drawn vehicles, which were carried on the passenger boats at Oakland pier and later also upon the ferry at the foot of Broadway. Then as automobile traffic developed it was carried on the ferry from the foot of Broadway and as it grew in volume the new slip at the Oakland pier was constructed and new vehicular boats put into operation. This company has further expressed its willingness and its intention to put

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on additional boats as the business is offered. This evidence shows that "the territory is served by a utility that has pioneered in the field."

From the evidence in this case it is also apparent that the "service rendered by the Southern Pacific Company is efficient." This matter has already been gone into at some length in the preceding portion of this opinion and it is not necessary to reiterate it here, but it certainly can not be said that a company that operates most of the time on a twenty-minute schedule and operates on Saturdays, Sundays and holidays on a fifteen- and ten-minute schedule and has on hand sufficient boats to accommodate one-third additional traffic on a seven and one-half-minute headway and stands ready to put in a five-minute headway which would enable it to accommodate double the amount of the present business offered is not "rendering efficient service." In this connection it might be well to point out that the applicant only offers to the public a twenty-minute service.

There can be no question raised as to the "cheapness of the service" as it now appears that the Southern Pacific Company was, at the time of the filing of this application, operating under the rates fixed by this Commission in Decision No. 15119, Case No. 2041, June 25, 1925, after a careful investigation on the part of the Commission. These rates are much lower than those proposed by the applicant and set forth in its franchise being in most cases twenty per cent lower. An analysis of the rates charged by the present company and the rates proposed to be charged by the applicant demonstrates there is no saving to the traveling public in the rates proposed, and, in fact, that these rates are an increase rather than a decrease.

	Rates proposed by applicant		*Rates of Southern Pacific Company*
Automobile	$0 75	Automobile	$0 60
Ambulance	1 00	Ambulance	75
Light truck	1 00	Light truck	75
Heavy truck	1 75	Heavy truck	1 50
Passenger	15	Passenger	05

From an inspection of this table it will be readily seen that the rates of the applicant are considerably higher than those now in force. For instance, an automobile with five passengers can cross on the present ferry for eighty-five cents, while an automobile with five passengers, traveling over the proposed ferry of the applicant, would pay one dollar and fifty cents. In other words, applicant would charge sixty-five cents more than the present company, or an increased charge of 76½ per cent.

The same reasons and facts that show the Southern Pacific Company is rendering efficient service hereinabove set forth also show that the company is "fulfilling adequately the duty which, as a public utility

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it owes to the public" and that the territory is so generally served that it may be said that the field of service is fully occupied.

If the reasoning of applicant that the application must be granted in its entirety or not at all is correct, then the application must be denied for the reason that there has been absolutely no showing of public convenience and necessity for the transportation of foot passengers. If, on the other hand, it is within the power of the Commission to grant the application in part, it must be denied because the applicant has also failed to show public convenience and necessity for the transportation of vehicular traffic.

Neither is it necessary to pass upon the question of the jurisdiction of the Commission as its jurisdiction has already been practically affirmed by the Supreme Court of this state in *Rodeo-Vallejo Ferry Company* vs. *Railroad Commission of the State of California*, by its refusal to grant the petition for a rehearing, which was denied May 28, 1925.

It appears from the evidence there is neither public convenience nor necessity for the operation of ferry proposed by applicant.

ORDER.

Golden Gate Ferry Company, a corporation, having made application for a certificate of public convenience and necessity to operate a public ferry between the city and county of San Francisco, State of California, and the city of Berkeley, Alameda County, California, across the San Francisco Bay, this Commission finds as a fact that public convenience and necessity do not require the operation of said ferry.

It is hereby ordered, that the said application be and the same is hereby denied.

For all other purposes the effective date of this order shall be ten (10) days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-fifth day of January, 1926.

DECISION NO. 15900.

IN THE MATTER OF THE APPLICATION OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA, FOR AN ORDER REQUIRING THE SOUTHERN PACIFIC COMPANY TO PAY CERTAIN SPECIAL ASSESSMENTS LEVIED AGAINST THE OPERATIVE PROPERTY OF THE SOUTHERN PACIFIC COMPANY LYING WITHIN THE BOUNDARIES OF ROAD DISTRICT IMPROVEMENT NUMBER FIVE, COUNTY OF FRESNO, STATE OF CALIFORNIA.

Application No. 11511.

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Decided January 25, 1926.

COMMISSION'S JURISDICTION—SPECIAL ASSESSMENTS—TO ENFORCE.—The application of the county of Fresno for an order requiring Southern Pacific Company to pay special assessments against its operative properties in Road District No. 5, is dismissed for lack of jurisdiction.

George R. Lorcjoy, by *C. M. Ozias*, for Applicant.
H. W. Hobbs, for Southern Pacific Company.

WHITSELL, *Commissioner*.

OPINION.

This is an application for an order requiring the Southern Pacific Company to pay special assessments to be levied against the operative properties of said company lying within the boundaries of Road District Improvement No. 5 in the county of Fresno. Road improvement work was done within said district pursuant to Road Improvement Act of 1907 (Statutes of 1907, Ch. 442, p. 806) as amended (Statutes 1921, Ch. 232, p. 311).

This application appears to be premature in that the request is for an order to require the Southern Pacific Company to pay assessments before they are levied, on the ground that the applicant believes that the company will refuse to pay them when they are levied. On this ground it should be dismissed.

To dismiss the application on such a ground alone would, however, be to assume that the Commission has jurisdiction to make such an order, which jurisdiction, I am of the opinion, is not vested in it. The power and authority conferred upon the Commission under the constitution and the Public Utilities Act is the power to supervise and regulate public utilities. The Commission, therefore, is limited in its jurisdiction to hear and determine only such complaints and matters as are germane to the subject of the regulation and control of public utilities. (See *Pacific Tel. etc. Co.* vs. *Eshleman*, 166 Cal. 640; *City of Pasadena* vs. *Railroad Commission*, 183 Cal. 526; *Motor Transit Co.* vs. *Railroad Commission*, 189 Cal. 573.) No one could successfully urge that our action in compelling a utility to pay such an assessment would be germane to the subject of the regulation and control of public utilities, and it is, therefore, my opinion that the application should be dismissed for want of jurisdiction.

The following form of order is recommended:

ORDER.

Application having been filed with this Commission by the county of Fresno asking for an order requiring the Southern Pacific Company to pay special assessments to be levied against the operative properties of said company lying within the boundaries of Road District No. 5 in the county of Fresno, a public hearing having been had, the matter

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having been submitted, and the Commission being of the opinion that it has no jurisdiction to issue such an order;

It is hereby ordered, that said application be and the same hereby is dismissed.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-fifth day of January, 1926.

DECISION NO. 15901.

IN THE MATTER OF THE INVESTIGATION ON THE COMMISSION'S OWN MOTION INTO THE CONSTRUCTION BY POSTAL TELEGRAPH-CABLE COMPANY, A CORPORATION, OF CERTAIN LINES AND FACILITIES WITHIN THIS STATE, AND OF THE OPENING OF CERTAIN OFFICES WITHIN THIS STATE FOR THE TRANSACTION OF INTRASTATE TELEGRAPH BUSINESS, AND INTO THE TRANSACTION OF SUCH BUSINESS THEREAT AND THEREFROM.

Case No. 2199.

Decided January 26, 1926.

CERTIFICATE—TELEGRAPH UTILITY—COMMISSION'S JURISDICTION—POST ROADS FRANCHISE—CIVIL CODE FRANCHISE.—Holding there is no merit in the claim of Postal Telegraph-Cable Company that it has the right to operate in California under a federal franchise, to build its lines along federal post roads, and that it is authorized to extend its lines throughout California under the provisions of section 536 of the Civil Code, the Commission finds that defendant company is required to obtain a certificate from the Commission authorizing the establishment of telegraph offices, and the operation of its lines from Niland through Brawley, Imperial, El Centro to Calexico for intrastate telegraph business. Defendant utility ordered to desist from such illegal operation, unless and until it shall have obtained from the Commission a certificate of public convenience and necessity.

Willard P. Smith and *Max Thelen*, for Postal Telegraph-Cable Company, Respondent.
James T. Shaw and *N. Korte*, for Pacific Telephone and Telegraph Company.
Beverly L. Hodghead, for Western Union Telegraph Company.
Devlin and Brookman, by *Douglas Brookman*, for California Independent Telephone Association.

BRUNDIGE, *Commissioner*.

OPINION.

This proceeding was initiated by an order dated December 3, 1925, instituting an investigation upon this Commission's own motion into the construction of certain facilities and the opening of certain offices for the transaction of intrastate telegraph business by the Postal Telegraph-Cable Company, a public utility operating both for the transmission of interstate messages and for the transmission of intrastate messages within the State of California. The direct question involved in this investigation is the jurisdiction of this Commission over the construction of lines and the opening of offices for the transaction of

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intrastate telegraph business within this state without securing from this Commission certificates of public convenience and necessity to cover such construction or operation.

A hearing upon this matter was held on December 7, 1925, at which time it appeared that Postal Telegraph-Cable Company had on December 3, 1925, written to this Commission over the signature of Edward Reynolds, its vice president and general manager, to the effect that this Commission should take notice that said public utility would open offices in the Imperial Valley at Brawley, El Centro and Calexico for intrastate telegraph business on Friday, December 4, 1925. It is admitted that these offices have in fact been opened pursuant to said notice, and it is the position of the Postal Telegraph-Cable Company that no certificate or other authority is requisite from this Commission prior to such action.

The record in this case shows that Postal Telegraph-Cable Company in 1886 entered California with a line along the Southern Pacific Railroad from Oregon, building into San Francisco; that in the following year it extended its lines to Los Angeles, by way of Lathrop, Merced, Fresno and Bakersfield; that in 1890 extensions were constructed to San Bernardino by way of Pasadena and Monrovia; that in 1893 and 1894 pole lines and wires were erected from Mojave eastwardly to Arizona line near a point known as Beal; that in 1901 an extension was built from Los Angeles to San Diego; and that in 1909 lines were constructed from Roseville to a point known as Calvada on the Nevada line. While certain of these lines were built by predecessor companies, the Postal Telegraph-Cable Company, a California corporation, has owned them for a number of years. Deeds showing these various transfers were filed as exhibits. It was estimated that of the total business done by this company approximately 30 per cent is intrastate in character and 70 per cent interstate in character.

It also appeared that on July 27, 1917, on which date this Commission was given jurisdiction, under section 50 (*a*) of the Public Utilities Act, over the matter of certificates of public convenience and necessity for the construction and operation of telegraph lines within this state, this company had in operation forty offices for the transaction of telegraph business; that offices have been opened subsequent to that date at a number of other points, while certain of the offices then in operation have since been discontinued; one office, that at Chico, having been discontinued for a time and later reopened under authority of this Commission's Decision No. 14331, December 4, 1924 (25 C. R. C. 597). Certain offices were discontinued in 1921 in consequence of the expiration of a contract with the Atchison, Topeka and Santa Fe Railway Company covering their maintenance, and certain other offices

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were discontinued in August, 1917, in consequence of the cancellation of a similar agreement with the Tonopah and Tidewater Telephone and Telegraph Company. A statement filed by direction of the Commission on December 18, 1925, discloses that of the forty-five offices now maintained by this company for intrastate telegraph business in California, twelve have been opened for business subsequent to July 27, 1917. These are located at the following points: Amboy, Brawley, Calexico, Chico, Chowchilla, El Centro, Lodi, Ludlow, Modesto, San Pedro, Turlock and Vacaville.

The record further discloses that on July 27, 1917, this company had in operation 1882 miles of pole lines in this state. The president of the corporation testified that at the present time the company has in operation 1942 miles of pole line, the difference between these two amounts being a net increase of sixty miles of pole line during this period, it appearing, however, that certain lines along the Atchison, Topeka and Santa Fe Railroad right of way were deducted. A detailed statement of both pole miles and wire miles constructed by this company since July 27, 1917, was filed with the Commission on December 21, 1925, pursuant to a direction made at the hearing in this proceeding. The pertinent portion of such statement follows:

E. & A.W. estimate No.	Work started	Work completed	Location	Nature of work	Pole miles	Wire miles
18	1/29/1920	2/20/1920	In Los Angeles	1 copper wire.		2
25	7/14/1920	5/14/1920	In Stockton	3763 ft. 50 pr. aerial.		71.25
65	2/15/1922	3/ 1/1922	Between Lamanda Park and Pasadena	Pole line and 2 copper wires.	4.75	9.50
80	12/15/1923	9/ 9/1924	Los Angeles to Arizona line at Yuma	Pole line from Redlands and 4 wires from Los Angeles.	200	1040
81	3/20/1924	3/10/1925	San Francisco to Oregon line	2 copper wires.		794
83	2/ 2/1924	1/15/1925	San Francisco to Los Angeles	4 copper wires.		1936
5212	2/18/1923	4/20/1924	Sacramento	Underground cable 1518 ft. 10 pr. 450 ft. 15 pr.,		8.34
425–17	6/ 1/1925	8/31/1925	Los Angeles to Calexico	Pole line from Niland. 6 wires from Los Angeles.	46.50	1446
425–19	6/ 1/1925	10/10/1925	Los Angeles to Arizona line at Yuma	1 copper wire.		260

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During the year 1924 Postal Telegraph-Cable Company constructed a line from Redlands through Niland to the Arizona state line at Yuma, and in 1925 it constructed its line from Niland to and through the Imperial Valley, passing through the cities of Brawley, Imperial, El Centro and Calexico. Company's Exhibit No. 11, filed herein, is a map of Imperial County showing said line in that county in red at all points where it is upon post roads and in blue where it is not upon such roads. Permits for operation of said line through the above named cities were also filed. It appears that a large portion of the line in question in Imperial County is not over post roads of the United States.

It is the position of this company that for two reasons the construction and operation of its new offices here in question do not fall within the provisions of section 50 (*a*) of the Public Utilities Act: first, because its operations are over post roads of the United States under what it claims to be a valid and subsisting franchise from the government of the United States to construct its telegraph lines over the post roads of the United States within the State of California, and to operate the same for the receipt and transmission of telegraph messages; and, second, that it possesses a state-wide franchise from the State of California under section 536 of the Civil Code, giving to telegraph or telephone corporations authority to construct their lines along and upon public highways within this state. Moreover, under this franchise it is asserted that construction has been going on in such a continuous and uninterrupted manner since July 27, 1917, as to invoke the provisions of section 50 (*b*) of the Public Utilities Act to the effect that:

> when the commission shall find, after hearing, that a public utility has heretofore begun actual construction work and is prosecuting such work, in good faith, uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise or permit heretofore granted but not heretofore actually exercised, such public utility may proceed, under such rules and regulations as the commission may prescribe, to the completion of such work, and may, after such completion, exercise such right or privilege.

The first of these arguments would seem to fall of its own weight by the reason of the admission of this company itself, in the exhibit above mentioned, to the effect that the lines here in question are but in part constructed over post roads of the United States. It is self-evident that the lines which have been constructed over such post roads would be useless to this company in and of themselves without the connections made by lines not constructed over post roads. In other words, if for the purpose of the instant case, it is assumed that the construction of lines over post roads is permitted by federal act, and does not fall within the regulatory jurisdiction of the state, this is a question which can not be determined here, since these lines are not wholly over such post roads, and such federal franchises can not therefore apply.

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In reference to the argument under section 536 of the Civil Code, it is first to be noted that said section provides that telegraph or telephone corporations may *construct* their lines along and upon public highways and along or across waters or lands of the state, but that said section does not authorize telegraph or telephone corporations to operate said lines, a matter which at this time is primarily vested in this Commission. But even assuming that the function of operation were included in section 536, Civil Code, we are not of the opinion that the evidence produced in this matter shows such an uninterrupted prosecution of the work, in good faith, and with reasonable diligence in proportion to the magnitude of the undertaking, under such limited state-wide franchise as would eliminate the necessity for this company to obtain from this Commission a certificate of public convenience and necessity before proceeding with construction and operation. Moreover, if this section of the Civil Code does in fact grant to this utility state-wide authority to construct its lines throughout the state, it is doubtful if such authority could be considered to be a "franchise" of the type which was in the legislative mind at the time of the enactment of the above provisions. We are constrained to rule that section 536 of the Civil Code does not grant authority to this company to operate and do business over any telegraph lines within this state, and that even were a contrary conclusion to be reached, we must find as a fact that the record now before us does not show such continuous and uninterrupted construction under such "franchise," if in fact it be a franchise within the meaning of the Public Utilities Act, to take the construction in question out of the certificating jurisdiction of this Commission.

We must, therefore, for the above reasons require the cessation of operation upon the lines in question unless and until a certificate of public convenience and necessity be authorized for their operation.

ORDER.

The Railroad Commission having upon its own motion instituted an investigation into the construction by Postal Telegraph-Cable Company, a corporation, of certain lines and facilities within this state and of the opening of certain offices within this state for the transaction of intrastate telegraph business and in the transaction of such business thereat and therefrom, a public hearing having been held, evidence having been submitted, the Commission being apprised of the facts, and the matter now being ready for decision;

It is hereby ordered, that Postal Telegraph-Cable Company cease and desist from the operation of its line from Niland through Brawley, Imperial and El Centro to Calexico for intrastate telegraph business, unless and until it shall have secured from this Commission a certificate

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declaring that the present and future public convenience and necessity require or will require such operation.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-sixth day of January, 1926.

DECISION No. 15902.

IN THE MATTER OF THE APPLICATION OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY TO MAKE CERTAIN ADJUSTMENTS IN ITS EXCHANGE AREAS OF THE BELMONT AND REDWOOD CITY EXCHANGE AREAS.

Application No. 11871.

Decided January 26, 1926.

RATES—TELEPHONE UTILITY—EXCHANGE AREA.—The Pacific Telephone and Telegraph Company authorized to establish San Carlos-Belmont exchange and to furnish exchange telephone service within the area, and at rates prescribed therefor, on and after September 1, 1926. Discontinuance of Redwood City exchange service within the San Carlos-Belmont exchange area, on that date, authorized.

J. G. Marshall, for Applicant.
A. J. Stebbins, for City of San Carlos.

BY THE COMMISSION.

OPINION.

In this application The Pacific Telephone and Telegraph Company requests authority to sever certain territory from its Redwood City exchange area and to combine such severed territory with its Belmont exchange area and to sever certain territory from its San Mateo exchange area and to add it to the Belmont exchange area to form the proposed San Carlos-Belmont exchange area and to make effective a five-cent (5¢) toll charge between the proposed San Carlos-Belmont exchange area and the Redwood City exchange area.

A public hearing in this matter was held before Examiner Satterwhite in Redwood City on December 18, 1925, at which time and place the matter was submitted.

Telephone service in Belmont has been received in the past from a magneto exchange located in the town of Belmont while telephone service in the recently incorporated city of San Carlos has been received from the Redwood City exchange. Considerable development has occurred recently in the western portions of Belmont and San Carlos districts. It is desired to combine this territory with the Belmont

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and San Carlos sections into a single San Carlos-Belmont area to be served from a new common battery central office in San Carlos.

The applicant desires to include certain territory west of the town of Belmont and the more thickly settled section of the city of San Carlos with the present Belmont primary rate area as the primary rate area of the proposed San Carlos-Belmont exchange and to relocate the exchange boundary lines between its Belmont and San Mateo exchanges and also the boundary between its Redwood City and the proposed San Carlos-Belmont exchange.

It appears that a change in the proposed boundary line between the Redwood City exchange and the proposed San Carlos-Belmont area should be made and as indicated in Exhibit "A" attached to the order following.

Applicant proposes a toll charge of five cents (5¢) for each completed station-to-station toll message between the proposed San Carlos-Belmont exchange and Redwood City or San Mateo exchanges in lieu of the present ten-cent (10¢) rate.

No objection was made at the hearing to the granting of the application and it appears that the interests of the public will be conserved by the establishment of a San Carlos-Belmont exchange as requested except for the modification in exchange boundary between the Redwood City and the proposed exchange as shown in Exhibit "A" attached hereto.

ORDER.

The Pacific Telephone and Telegraph Company having requested authority of the Railroad Commission to make certain adjustments in its Belmont and Redwood City exchange areas, a public hearing having been held and the matter having been submitted and being now ready for decision:

The Railroad Commission of the State of California finds as a fact that the public needs of the San Carlos-Belmont territory require that The Pacific Telephone and Telegraph Company establish the San Carlos-Belmont exchange and furnish exchange telephone service from such exchange and within the area as shown in Exhibit "A" attached hereto.

Basing its order on the foregoing finding of fact and upon other findings of fact contained in the opinion preceding this order;

It is hereby ordered, that The Pacific Telephone and Telegraph Company shall:

(1) Establish a telephone exchange hereinafter designated San Carlos-Belmont exchange to serve the territories of San Carlos, Belmont and vicinities as shown in Exhibit "A" attached hereto.

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(2) Commence construction work in connection with the establishment of San Carlos-Belmont exchange on or before February 15, 1926.

(3) File information with the Railroad Commission showing that the order in section two (2) above has been complied with not later than five (5) days after the beginning of said construction work.

(4) Furnish exchange telephone service in San Carlos-Belmont exchange under exchange rates, rules and regulations now on file with the Railroad Commission for its Belmont exchange, on and after September 1, 1926.

(5) Furnish toll telephone and telegraph service in San Carlos-Belmont exchange on and after September 1, 1926, under the rates set forth in Exhibit "C" attached hereto.

(6) Establish an exchange area and a primary rate area for San Carlos-Belmont exchange as set forth in Exhibits "A" and "B" attached hereto.

(7) File with the Railroad Commission on or before July 31, 1926, the exchange rates as ordered in section (4) above and toll telephone and telegraph rates as set forth in Exhibit "C" attached hereto.

(8) File with the Railroad Commission on or before July 31, 1926, maps showing the exchange area and primary rate area of San Carlos-Belmont exchange as set forth in Exhibits "A" and "B" attached hereto.

(9) Discontinue furnishing Redwood City service within the San Carlos-Belmont exchange area on and after September 1, 1926.

The foregoing opinion and order is hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this twenty-sixth day of January, 1926.

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EXHIBIT "A."

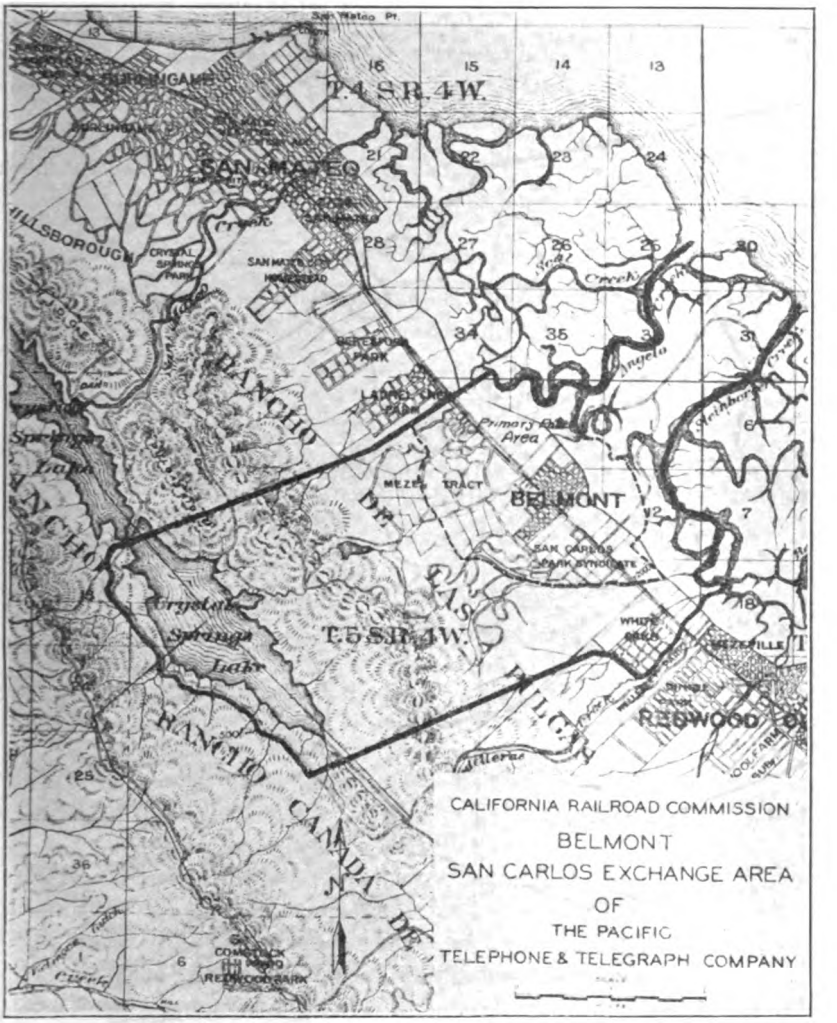

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EXHIBIT "B."

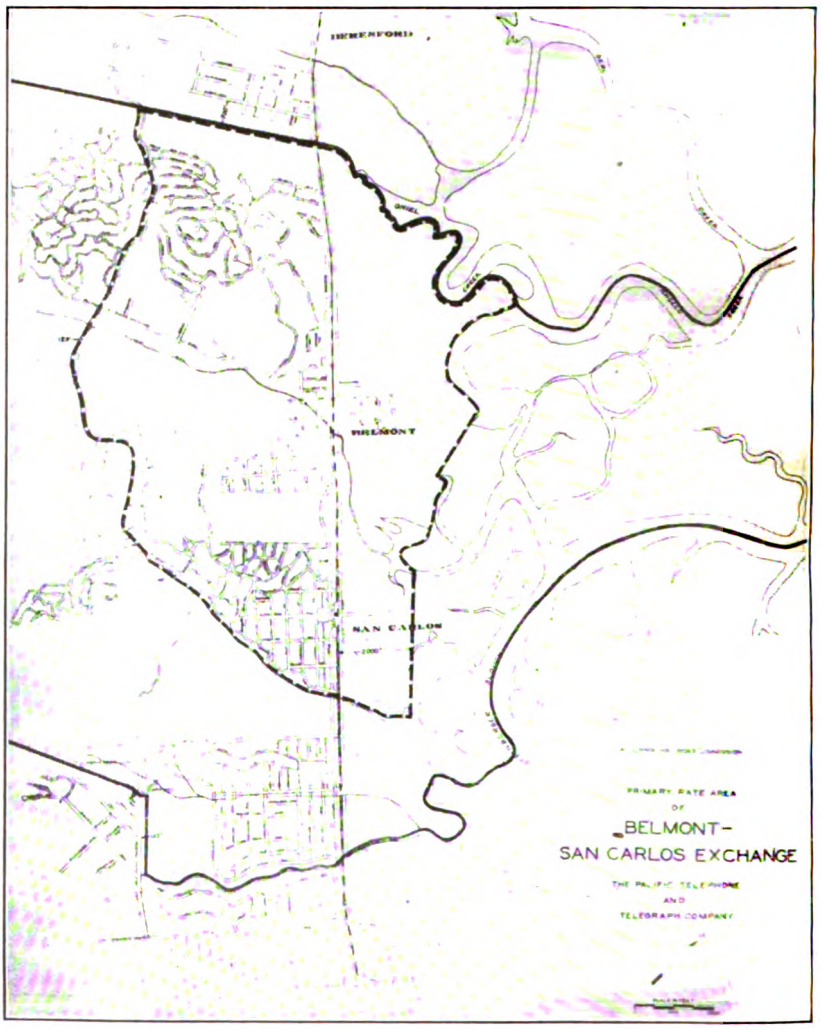

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EXHIBIT "C."

RATES FOR TOLL TELEPHONE AND TELEGRAPH SERVICE, SAN CARLOS-BELMONT EXCHANGE.

Rates for Toll Telephone Service.

Rates for toll telephone service between San Carlos and Belmont and any other toll point are the rates determined in accordance with the terms and conditions of Order No. 2495, dated December 13, 1918, and Order No. 2797, dated February 17, 1919, amendatory thereto, of the Postmaster General of the United States, with the exceptions noted below; provided, however, that as to any toll points on a connecting line over which rates established by the Postmaster General do not apply, the rate shall be the sum of the rate between San Carlos and Belmont, and the connecting point on such line to which such rates established by the Postmaster General do apply, and the rate in effect between this connecting point and the toll point.

The exceptions referred to above are as follows:

(1) Between San Carlos and Belmont and the toll points, Redwood City and San Mateo, station-to-station service only will be furnished.

(2) Between San Carlos and Redwood City, San Carlos and San Mateo, Belmont and Redwood City, and between Belmont and San Mateo, the initial station-to-station rate will be five cents (5c).

Initial and overtime periods and overtime rates will be, in all cases, as set forth in the orders of the Postmaster General, referred to above.

Rates for Telegraph Service.

The rates for telegraph service between San Carlos and Belmont and other telegraph points shall be those rates determined in accordance with the standard methods set forth in the telegraph rate schedules of The Pacific Telephone and Telegraph Company on file with the Railroad Commission.

DECISION NO. 15904.

IN THE MATTER OF THE APPLICATION OF NORTHERN WATER AND POWER COMPANY, A CORPORATION, AND NEVADA IRRIGATION DISTRICT, FOR AN ORDER AUTHORIZING THE SALE AND TRANSFER BY SAID NORTHERN WATER AND POWER COMPANY OF ALL ITS PROPERTIES TO SAID NEVADA IRRIGATION DISTRICT.

Application No. 12316.

Decided January 26, 1926.

TRANSFER—WATER AND POWER UTILITY—TO SELL.—Northern Water and Power Company authorized to sell all of its properties to Nevada Irrigation District for the sum of $273,000.

Goodfellow, Eells, Moore and Orrick, by *T. W. Dahlquist*, for Applicants.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order authorizing Northern Water and Power Company to sell, for $273,000, all of its properties, more particularly described in Exhibit "A" attached hereto, to Nevada Irrigation District.

Northern Water and Power Company is a corporation organized under the laws of the State of California on or about September 23, 1905. It has an authorized capital stock of $5,000,000 and an authorized bonded indebtedness of $1,000,000, of which amounts the application shows that $3,250,000 of the stock and $976,000 of the bonds are outstanding. It appears that the stock and bonds are held in the same proportions by five persons only and that the National City Company

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of California is by far the largest individual holder, owning more than 80 per cent of the outstanding securities. It further appears that the bondholders have agreed to the cancellation of the bonds and the release of the mortgage securing their payment and that there is no other indebtedness except certain amounts advanced by the National City Company of California, these amounts, as of December 31, 1924, according to the annual report filed by the company, aggregating $37,880.

During the last few years the company's operations have been very limited, one consumer only, the town of North Bloomfield, being supplied with water. The total revenues from the sale of water for each of the years 1922 to 1924, inclusive, are reported at $75 a year, no revenues being received during 1925.

The company's properties include reservoir sites, lakes, water rights, ditches and flumes in the county of Nevada, the chief source of supply being known as Lake Bowman and the ditch line being known as the Bloomfield ditch, which extends westward from the lake to a point near the town of North Bloomfield. About half of the ditch, that portion extending west from Shands, a point two miles west of Graniteville, has been abandoned and is no longer used. The agreed purchase price of $273,000 to be paid for applicant's properties does not, it is said, exceed the present fair value thereof.

Near Lake Bowman are two other lakes, namely, Lake Faucherie and Lake French, which, it is said, belong to Eureka Lake and Yuba Canal Company, Consolidated, a corporation also operating a ditch system in the vicinity. The waters from these lakes flow into Lake Bowman and are commingled, no attempt being made to separate them. From Lake Bowman water is conducted by means of applicant's Bloomfield ditch to Shands, where it is delivered into a ditch belonging to Eureka Lake and Yuba Canal Company, Consolidated, constituting that company's supply. From Shands water flows through the Eureka and Milton ditch system to a reservoir, known as Waldron reservoir, near the town of North Bloomfield, whence the water is taken by the citizens of the town. It appears that the ditch system from Lake Bowman to Waldron reservoir is about forty miles in length and that the population of North Bloomfield consists of seven families.

Eureka Lake and Yuba Canal Company, Consolidated, serves other consumers and owns ditches in addition to the one extending from Shands to Waldron reservoir, although its supply of water comes through the Bloomfield ditch of applicant. The testimony herein indicates that arrangements have been made, or will be made, whereby Nevada Irrigation District, following the acquisition of applicant's properties, will transfer the Bloomfield ditch to the Eureka Company

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in exchange for the lakes owned by that company. It should be noted that the present application does not involve the abandonment of any service but only the transfer of properties. It is specified that the town of North Bloomfield will, as heretofore, be served with water from the Bloomfield, Eureka and Milton ditch systems.

ORDER.

Northern Water and Power Company, having applied to the Railroad Commission for permission to sell its properties to Nevada Irrigation District, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the application should be granted as herein provided;

It is hereby ordered, that Northern Water and Power Company be and it is hereby authorized to sell to Nevada Irrigation District, for $273,000, all of its properties described in Exhibit "A" attached hereto.

It is hereby further ordered, that Northern Water and Power Company shall file with the Railroad Commission a certified copy of the instrument of conveyance within thirty days from the date upon which it is executed and shall file also a certified statement indicating the exact date upon which it actually relinquished control and possession of the properties herein authorized to be sold, such statement to be filed within ten days from the date such control and possession is relinquished.

It is hereby further ordered, that the authority herein granted will become effective on the twentieth day after the date hereof.

Dated at San Francisco, California, this twenty-sixth day of January, 1926.

EXHIBIT "A."

PROPERTIES OF NORTHERN WATER AND POWER COMPANY, SITUATE IN THE COUNTY OF NEVADA, STATE OF CALIFORNIA.

First—That certain reservoir generally known as and called "Bowman Reservoir," the greater portion of which lies in township eighteen (18) north, range twelve (12) east, Mount Diablo Base and Meridian, together with all other reservoirs, the waters of which when discharged therefrom flow into said "Bowman Reservoir"; and also all ditches and water courses which convey water to said "Bowman Reservoir" and such other reservoirs, and all waters which naturally or by means of any artificial watercourse flow or discharge into such reservoirs, or any of them, including the water right located on September 17, 1860, by Pettigean & Co., notice of which was recorded on September 17, 1860, in the recorder's office of the county of Nevada, in book I of mining locations, page 394; also water right located by North Bloomfield Gravel Mining Company February 27, 1869, and recorded on March 1, 1869, in book 4 of mining locations, page 471, Nevada County records; also water right located by North Bloomfield Gravel Mining Company September 15, 1871, and recorded September 21, 1871, in book 5 of mining claims, page 78, Nevada County records; also water right located by North Bloomfield Gravel Mining Company September 5, 1871, and recorded November 15, 1871, in book 5 of mining claims, page 95; also water right located by North Bloomfield Gravel Mining Company November 1, 1871, and recorded November 15, 1871, in book 5 of mining claims, page 95, Nevada County records; also water right located July 11, 1872, and recorded July 19, 1872, in book 1 of water rights, page 12, Nevada County records.

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Also the following mentioned lakes and water rights comprising what are generally referred to as the "South Lakes," to wit: Shotgun Lake, Middle Lake, Island Lake, Crooked Lake, and Round Lake, with the following mentioned water rights appurtenant to said South Lakes, to wit: Water right located by the North Bloomfield Gravel Mining Company, notice whereof was posted July 11, 1872, and recorded on July 19, 1872, in book 1 of water rights, page 17, Nevada County records; water rights located by North Bloomfield Gravel Mining Company, notice whereof was posted July 11, 1872, and recorded on July 19, 1872, in book 1 of water rights, page 20, Nevada County records; water right located by North Bloomfield Gravel Mining Company, notice whereof was posted July 11, 1872, and recorded on July 19, 1872, in book 1 of water rights, page 19, Nevada County records; water rights located by North Bloomfield Gravel Mining Company, notice whereof was posted July 11, 1872, and recorded on July 19, 1872, in book 1 of water rights, page 18, Nevada County records. The said Shotgun Lake being located in the west half of the southwest quarter of section fourteen (14), and the east half of the southeast quarter of section fifteen (15), township eighteen (18) north, range twelve (12) east, Mount Diablo Meridian; said Middle Lake and Crooked Lake being located in the west half of the west half of section twenty-three (23), and the east half of the east half of section twenty-two (22), township eighteen (18) north, range twelve (12) east, Mount Diablo Meridian; Round Lake being located in the west half of the southeast quarter of section twenty-two (22) and the northeast quarter of the southwest quarter of said section twenty-two (22), township and range aforesaid, and the said Island Lake being located in the west half of section twenty-seven (27) and the east half of the east half of section twenty-eight (28), township and range aforesaid.

Also Saw Mill Flat reservoir site as described in the notice of location thereof, recorded in book 1 of water rights, page 16, Nevada County records.

Also that certain ditch generally known as and called the "Bloomfield Ditch," and sometimes called the "North Bloomfield Ditch," which has heretofore been used for the purpose of conveying the water impounded in said Bowman reservoir to the reservoir known as and called Waldron reservoir, which said Bloomfield ditch extends from a point in or near section eight (8), township eighteen (18) north, range twelve (12) east, in a southwesterly direction to a point in section thirty-five (35), township eighteen (18) north, range eleven (11) east; thence in a northwesterly direction to a point in section nine (9) of said last mentioned township and range; thence in a southwesterly direction to a point in section five (5), township seventeen (17) north, range ten (10) east; and thence in a northerly and westerly direction to said Waldron reservoir in section thirty (30), township eighteen (18) north, range ten (10) east, and also all ditches and watercourses which convey water to the said Bloomfield ditch, and all waters which naturally or by means of any artificial watercourse flow or discharge into said Bloomfield ditch.

Also that certain ditch known as and called "Missouri Canyon Ditch," which extends from a point in Missouri Canyon a distance of four (4) miles, more or less, to the town of North Bloomfield.

Also that certain ditch known as and called the "Gaston Ditch," extending from a point on the South Fork of Poorman's Creek, a distance of nine thousand (9000) feet, more or less, to a point near the Gaston Ridge mine.

Also that certain reservoir generally known as and called the "Waldron Reservoir," situated in section thirty (30), township eighteen (18) north, range ten (10) east.

Reference is hereby specifically made to the records in the office of the recorder of Nevada County, California, for a more specific description of the water rights and other property hereinbefore referred to.

Also the south half of the northwest quarter of section three (3); the southeast quarter of the northeast quarter; the west half of the northeast quarter; the east half of the northwest quarter; the southwest quarter of the northwest quarter; the west half of the southeast quarter; the northeast quarter of the southeast quarter, and the southwest quarter of section four (4); the southeast quarter of section five (5), the northeast quarter; the east half of the northwest quarter of section eight (8); the northwest quarter of the northwest quarter of section nine (9); the northwest quarter of section eleven (11); the east half of the southeast quarter of section fifteen (15); the east half of the east half; the northeast quarter of the southwest quarter of section twenty-two (22), and the northwest quarter of section twenty-seven (27), all in township eighteen (18) north, range twelve (12) east, Mount Diablo Meridian, containing sixteen hundred and forty (1640) acres, more or less.

Second—Also all improvements and fixtures situate upon any of the hereinabove described property.

Third—Also any and all contracts with individuals, corporations, cities, towns, villages, or other municipalities for the furnishing of water, light or power, together with all moneys, rentals or tolls due or to become due upon any or all of said contracts.

Fourth—Also the following agreements and all of the right, title, and interest of the company therein:

(1) An agreement dated December 18, 1905, under which the company as assignee of the party of the second part named in such agreement is (according to the terms of said agreement) entitled to receive the quantity of water therein specified for use in connection with its business in the Grass Valley Mining District, in the county of Nevada, State of California, for the period from the date of such agreement until January 2, 1936, upon the terms and conditions set forth in such agreement;

(2) An agreement dated December 18, 1905, under which the company as assignee of the party of the second part named in such agreement is entitled to receive all electric current which it shall require for use in connection with its business in the

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Grass Valley Mining District, in the county of Nevada, State of California, for the period from the date of such agreement until January 2, 1936, upon the terms and conditions set forth in such agreement. Also any and all agreements which may have been substituted for either of said agreements or which may have been made in modification or renewal thereof whether in pursuance of any provision of either of said agreements or otherwise.

Fifth—Also all waters, water rights, ditches, easements, flumes, lakes, reservoirs, reservoir sites and all other real property of every kind and nature whatsoever, and all interests therein, situate in the said Nevada County, now owned by the company, or in which it is in any way interested.

DECISION NO. 15905.

IN THE MATTER OF THE APPLICATION OF ASSOCIATED TELEPHONE COMPANY FOR A PERMIT TO SELL TWO HUNDRED THOUSAND DOLLARS PAR VALUE OF ITS FIRST MORTGAGE AND COLLATERAL TRUST GOLD BONDS.

Application No. 12408.

Decided January 26, 1926.

SECURITIES—BONDS—TO SELL.—Associated Telephone Company authorized to issue and sell, on or before December 31, 1926, $200,000 of its first mortgage and collateral trust 6 per cent bonds, due August 1, 1950, and to use the proceeds for additions and betterments.

F. Von Schlegell and *S. R. Heffley*, for Applicant.

BY THE COMMISSION.

OPINION.

Associated Telephone Company has applied to the Railroad Commission for permission to issue and sell $200,000 of bonds for the purpose of reimbursing its treasury and of providing the cost of new construction, extensions and betterments.

The $200,000 of bonds are part of an authorized issue of $2,000,000 of first mortgage and collateral trust 6 per cent bonds, dated October 1, 1920, due August 1, 1950, and callable at 105. Of the total amount the company heretofore, pursuant to authority granted by the Commission, has issued $1,514,800, of which $814,800 were delivered in exchnage for the bonds of Union Home Telephone and Telegraph Corporation, whose properties applicant acquired, and $700,000 were sold to finance in part construction expenditures made since October 1, 1920.

The company acquired the telephone properties in and about the cities of Long Beach and San Bernardino as of October 1, 1920. Since that date and up to November 30, 1925, it reports that it has expended for capital purposes the sum of $1,862,852.87, of which, however, $1,576,020 has been provided through the issue and sale of the $700,000 of bonds and of $1,000,000 of common stock, leaving a balance of $286,832.87 which is said to represent uncapitalized construction expenditures as of November 30, 1925, which have not been paid or provided for through the issue and sale of stock or bonds.

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In addition to the $286,832.87, applicant reports estimated expenditures during 1926 of $250,000, making a total of $536,832.87 to be provided. This amount consists of the following:

Uncapitalized expenditures, November 30, 1925		$286,832 87
Estimated expenditures for 1926:		
Central office equipment	$112,300 00	
Cable	43,000 00	
Underground plant	9,700 00	
Poles, lines, wires, etc.	10,000 00	
Station apparatus, drop wire	75,000 00	
		250,000 00
Total		$536,832 87

The company reports the expenditures necessary to give adequate service. Applicant in its Exhibit No. 1 shows that since October 1, 1920, its average gain of telephone stations per month was 237. On October 1, 1920, the number of stations in service is reported at 12,284, while on November 30, 1925, the number of stations in service is reported at 27,051. For the year ending December 31, 1923, it reports gross income at $507,835.48 and net income, after paying operating expense, providing for depreciation and making interest and other deductions, at $131,019.95 for the year ending December 31, 1924; gross income at $710,148.65 and net income at $187,308.27; and for the eleven months ending November 30, 1925, gross income at $719,372.45 and net income at $247,728.50.

ORDER.

Associated Telephone Company, having applied to the Railroad Commission for permission to issue and sell $200,000 of bonds, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that Associated Telephone Company be and it is hereby authorized to issue and sell, on or before December 31, 1926, at not less than 98 per cent of face value plus accrued interest, $200,000 of its first mortgage and collateral trust 6 per cent bonds due August 1, 1950, and use the proceeds to reimburse its treasury on account of and to the extent that earnings have been expended for plant additions and betterments, pay indebtedness other than the amounts due the depreciation fund, incurred on account of additions and betterments, and finance in part the cost of the new construction, extensions and betterments to which reference is made in the foregoing opinion.

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The authority herein granted is subject to further conditions as follows:

1. Only such expenditures as are properly chargeable to capital accounts under the uniform system of accounts prescribed or adopted by the Railroad Commission may be financed with the proceeds to be received from the bonds herein authorized to be issued and sold.

2. Applicant shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted shall become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $200.

Dated at San Francisco, California, this twenty-sixth day of January, 1926.

DECISION NO. 15909.

IN THE MATTER OF THE APPLICATION OF BEKINS FIREPROOF STORAGE, A COPARTNERSHIP, FOR PERMISSION TO READJUST MOTOR FREIGHT RATES BETWEEN LOS ANGELES, SAN FRANCISCO, OAKLAND AND PLACES INTERMEDIATE THERETO, VIA APPLICANT'S COAST AND VALLEY ROUTES.

IN THE MATTER OF THE APPLICATION OF THE CALIFORNIA HIGHWAY EXPRESS, A CORPORATION, FOR PERMISSION TO READJUST MOTOR FREIGHT RATES BETWEEN LOS ANGELES, SAN FRANCISCO, OAKLAND AND PLACES INTERMEDIATE THERETO, VIA APPLICANT'S COAST AND VALLEY ROUTES.

Application No. 11133.

Decided January 29, 1926.

RATES—AUTO TRUCK—TO READJUST.—Application granted.

Harry N. Blair, for Applicants.

BY THE COMMISSION.

OPINION.

This is a joint application of Bekins Fireproof Storage, a copartnership, and California Highway Express, a corporation, seeking permission under the provisions of chapter 213, Statutes 1917, and rule 11 of the Commission's General Order No. 51, for authority to readjust freight rates at points on the lines of applicants between Los Angeles, San Francisco, Oakland and intermediate points.

A public hearing was held at Los Angeles December 8, 1925, before Examiner Geary and the interested parties having been given oppor-

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tunity to be heard and the case having been duly submitted is now ready for an opinion and order.

The applicants are now operating, under certificates of public convenience and necessity, motor freight lines primarily for the purpose of transporting household goods, furniture, pianos, personal effects, etc., and at the present time, although operating between the same points, have rates different in volume. At certain competitive points the rates of the Bekins are the same, higher or lower than those charged for the same service by the California Highway, or vice versa. The permission here sought is to place all rates of both applicants on a parity between the same points for similar service. In the harmonizing of the tariffs the rates of Bekins will be maintained at certain points and at others the rates of the California will continue in effect. The placing of the rates on a parity between competitive points will result in increases and reductions; however, the exhibits which accompanied the application and the testimony of witnesses evidence the fact that in most situations reductions in rates will follow from the proposed adjustments. Approximately 80 per cent of the tonnage is moved between San Francisco and Los Angeles and the rates to those points will not be affected.

Permission is also sought to publish specific rates to points not now shown in the tariffs, to publish commodity rates to named points for special trips based on minimum weight load of 4000 pounds, and hourly rates for moving household goods between points within 15 miles of terminals. It is claimed the hourly charges are necessary because of the difficulties encountered in ascertaining weights for movements in the outlying territories. Testimony and exhibits showed that the purpose of the application is not to increase the revenues, but merely to correct an unsatisfactory situation and to standardize the rates of both the Bekins Fireproof Storage and the California Highway Express. There were no appearances in opposition to the application.

Upon consideration of all the facts of record, we are of the opinion and find that the application should be granted and rates established in conformity with the exhibits attached to the application and those presented at the hearing. In authorizing these adjustments the Commission does not grant authority for any extension of the existing operative rights.

The tariffs of both applicants are now in a most unsatisfactory condition, failing in many respects to comply with our rules and regulations. They do not state rates in clear and specific terms and are complicated and ambiguous. Before the rate changes herein authorized

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will be permitted to become effective, applicants must present, for the Commission's approval, proof copies of new tariffs complying with the rules requiring that the rates be stated in such manner as to be clearly understood by the shipping public.

ORDER.

This application having been duly heard and submitted by the parties, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order;

It is hereby ordered, that the applicants, Bekins Fireproof Storage and California Highway Express, be and they are hereby authorized to establish, within sixty (60) days from the date hereof, the freight rates, rules and regulations as set forth in Exhibit A and amended exhibits, attached to and made a part of the application.

It is hereby further ordered, that the tariffs issued in compliance with this order shall have the Commission's approval before becoming effective.

Dated at San Francisco, California, this twenty-ninth day of January, 1926.

DECISION No. 15911.

IN THE MATTER OF THE APPLICATION OF MARTINEZ-BENICIA FERRY AND TRANSPORTATION COMPANY FOR AUTHORITY TO REVISE CERTAIN RATES.

Application No. 12324.

Decided January 29, 1926.

RATES—AUTO FERRY—TO REVISE.—Application granted.

A. Pometta, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application by Martinez-Benicia Ferry and Transportation Company, a corporation, in accordance with section 63 of the Public Utilities Act, seeking authority to amend its present Tariff 1-D, C. R. C. No. 6, by providing a new schedule of rates for the transportation of automobile trucks and trailers between Martinez and Benicia.

A public hearing was held at San Francisco January 22, 1926, before Examiner Geary, and the case having been duly submitted is now ready for our opinion and order.

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Under the present tariff, automobile trucks are charged on a weight basis, under 4000 pounds 94 cents, and 4000 pounds or over $1.25. It is claimed by applicant that this basis leads to controversy and misunderstanding as to the proper charges applicable because weighing facilities are not available to determine the exact weight of the truck, thus resulting in charges disproportionate to the service rendered. The rates applicant proposes would be more in proportion to the service rendered, they basing not upon the claimed weight of the truck, but upon its registered capacity, and graduating from 75 cents for a truck of one-half ton capacity or under, to $1.50 for trucks of over 3½ tons capacity. There will be changes in the graduated rates for two- and four-wheel trailers, and minor adjustments in other items, as set forth in the application and the amendment thereto. These adjustments will result in both increases and reductions and are a more equitable method of assessing the charges than in force at the present time.

Applicant's general manager testified that the proposed schedule of rates is solely for the purpose of providing a more comprehensive method of assessing the charges and if any increased revenue is realized the amount would be negligible.

Upon consideration of all the facts of record we are of the opinion and find that the proposed rates are reasonable and that applicant should be permitted to revise the present rates in its Tariff 1-D, C. R. C. No. 6, as set forth in the application and as amended.

ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion which is hereby referred to and made a part hereof;

It is hereby ordered, that applicant, Martinez-Benicia Ferry and Transportation Company, a corporation, be and it is hereby authorized to revise the present rates in its Tariff 1-D, as set forth in the application and as amended, subject to the following condition:

That applicant shall file a tariff, within twenty (20) days from the date hereof, setting forth the rates, rules and regulations governing the transportation of the property, which shall be those set forth in the application and the amendment thereto.

Dated at San Francisco, California, this twenty-ninth day of January, 1926.

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Decision No. 15922.

IN THE MATTER OF THE APPLICATION OF KEY SYSTEM TRANSIT COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING THE ISSUE AND SALE OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS OF FIRST MORTGAGE FIVE AND ONE-HALF PER CENT GOLD BONDS, SERIES "C."

Application No. 12428.

Decided February 3, 1926.

SECURITIES—BONDS—TO ISSUE.—Application granted.

Brobeck, Phleger and Harrison, by *H. H. Phleger*, for Applicant.

SEAVEY, *Commissioner*.

OPINION.

In the above entitled matter Key System Transit Company asks permission to issue and sell $2,500,000 of its Series "C," first mortgage 5½ per cent bonds due July 1, 1938.

The bonds are part of an authorized issue of $10,000,000 secured by a first mortgage on the company's properties dated as of July 1, 1923. Heretofore the company, pursuant to orders from the Commission, has issued $3,000,000 of first mortgage bonds; of which $2,500,000 were Series "A" and $500,000 were Series "B" 6 per cent bonds due July 1, 1938. Of the $3,000,000 of bonds issued the company reports that it has redeemed $6,000 leaving $2,994,000 outstanding against its properties. In addition to these bonds the company reports outstanding $7,585,200 of general and refunding mortgage 5 per cent bonds and $1,365,800 of 6 per cent bonds due July 1, 1938, the total bonded indebtedness of the company aggregating $11,945,000.

In making the present request to issue additional bonds the company reports that during the years 1924 and 1925 it expended $1,000,000 for road and equipment which has not been paid or provided for through the issue of stock or bonds. It further reports work in progress and proposed for completion by December 31, 1926, at $1,565,304, both amounts being segregated in some detail in exhibits "1" and "2" filed at the hearing in this proceeding. It appears that the estimated expenditures of $1,565,304 are a portion of those which the Commission, by Decision No. 15290, dated August 13, 1925, and Decision No. 15817, dated December 31, 1925, directed the company to make.

The company asks permission to use the proceeds from the sale of the $2,500,000 of bonds to reimburse its treasury on account of the uncapitalized expenditures of $1,000,000 made during 1924 and 1925 and to finance, in part, the estimated expenditures of $1,565,304. The

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testimony shows, however, that part of the uncapitalized expenditures were financed with borrowed moneys, rather than through investment of earnings. The order herein, therefore, will permit and require the company to use bond proceeds in the amount of at least $493,000 to pay indebtedness.

The record shows that applicant has made arrangements to sell its bonds at not less than 94 per cent of face value plus accrued interest. If the underwriter sells the bonds for more than 97½ per cent of their face value and accrued interest, the company will obtain the excess over said 97½ per cent and accrued interest.

I herewith submit the following form of order:

ORDER.

Key System Transit Company having applied to the Railroad Commission for permission to issue and sell $2,500,000 of first mortgage bonds, a public hearing having been held and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Key System Transit Company be and it is hereby authorized to issue and sell on or before August 1, 1926, at not less than 94 per cent of face value plus accrued interest, $2,500,000 of its Series "C" first mortgage 5½ per cent bonds due July 1, 1938, and use the proceeds other than accrued interest for the following purposes:

a. To pay indebtedness contained in applicant's balance sheet filed in this proceeding, at least	$493,000 00
b. To pay for construction of additions and betterments described in Exhibit "2," about	1,565,304 00
c. To reimburse treasury about	291,696 00

The accrued interest may be used for general corporate purposes.

The authority herein granted is subject to the following conditions:

1. Applicant shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted shall become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is one thousand seven hundred fifty dollars ($1,750).

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The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this third day of February, 1926.

DECISION No. 15923.

H. G. PRINCE & COMPANY; HUNT BROS. PACKING COMPANY

vs.

SOUTHERN PACIFIC COMPANY.

Case No. 2028.

Decided February 3, 1926.

RATES—STEAM RAILROAD—CANNED GOODS—REPARATION.—Rate for the transportation of canned goods in carloads from Hayward to Oakland reduced from seven cents to five cents per 100 pounds, effective February 25, 1926, and defendant carrier ordered to refund, with interest, all charges collected in excess of that rate for the transportation of canned goods from San Leandro and Hayward to Oakland.

E. W. Hollingsworth, for Complainants.
J. E. Lyons, A. W. Whittle, F. W. Mielke, for Defendants.

BY THE COMMISSION.

OPINION.

Complainants, H. G. Prince & Company and Hunt Brothers Packing Company, are corporations engaged in the canning business with their principal offices at Oakland and San Francisco, respectively. By complaint filed July 30, 1924, it is alleged that the rate of seven cents per 100 pounds assessed by defendant during a period of two years immediately preceding that date for the transportation of canned goods, in carloads, from Hayward and San Leandro to Oakland, was and is unjust and unreasonable. Reparation and rates for the future are sought. Rates will be stated in cents per 100 pounds unless otherwise specifically noted. A public hearing was held at San Francisco on October 19, 1925, before Examiner Geary and the case having been duly heard and submitted is now ready for an opinion and order.

At the time this action was filed, July 30, 1924, there was before the Interstate Commerce Commission a parallel proceeding, Docket No. 15891, *H. G. Prince & Company et al.* vs. *Southern Pacific Company*, involving practically the same issue in connection with interstate movements. Docket No. 15891 was dismissed May 9, 1925 (98 I. C. C. 615). Pending the outcome of the interstate proceeding the instant

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case, upon request of complainants, was not docketed for an earlier hearing.

The California Packing Corporation, operating canneries at San Leandro and Lorenzo, filed a petition in intervention in support of complainants and also alleged that the applicable rate from San Leandro and Lorenzo to Oakland was unreasonable. Lorenzo is intermediate to Hayward in the movement to Oakland. Intervener, in its petition, requested rates for the future and seeks reparation on shipments alleged to have been made from San Leandro and Lorenezo to Oakland. It was not represented at the hearing, and having offered no proof of shipments, nor presented any evidence with respect to the alleged unreasonableness of the rate to Oakland, there will be no specific finding as to its allegations.

San Leandro and Hayward are situated 9.2 miles and 14.5 miles, respectively, east of Oakland, on defendant's main line. The former point is 0.8 of a mile and the latter 7.1 miles distant from the eastern boundary line of the Oakland switching limits.

H. G. Prince & Company owns and operates canning plants at San Leandro and Fruitvale, the latter point being within the switching limits of Oakland, and Hunt Brothers Packing Company maintains a cannery at Hayward. The shipments here involved moved from the canneries at San Leandro and Hayward to the plant of H. G. Prince & Company at Fruitvale and, apparently, were forwarded by the latter company. The shipments, consisting of varieties of canned goods not available at the Fruitvale plant, were subsequently consolidated into mixed carloads with other canned goods and reshipped to points in California beyond Oakland. The reasonableness of the assailed rate, in so far as it relates to "proportional" or "storing in transit" shipments, is not in issue in this proceeding.

The applicable rate from Hayward and San Leandro to Oakland during the period here involved was seven cents. Since the filing of this complaint defendant voluntarily established, effective October 15, 1924, from San Leandro to Oakland, a line haul rate of fifty-five cents per ton, applicable on freight in carloads, regardless of classification, this to meet the intraterminal switching rate of the Western Pacific Railroad Company, which includes San Leandro within its Oakland switching limits. Therefore, the plea for a rate for the future from San Leandro to Oakland was abandoned at the hearing.

The rate sought by complainants is three and one-half cents, the same as the rate concurrently in effect from Hayward and San Leandro to Oakland on vinegar, pickles, kraut, catsup, mustard and sauces, hereinafter collectively referred to as vinegar and pickles. This rate is not specifically published, but applies from Hayward under the general provisions of item 4100 of defendant's Freight Tariff 730-C.

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C. R. C. 2904, which provides that rates on vinegar and pickles from Hayward to specified territory in California will be the same as the rates on those commodities contemporaneously in effect from San Francisco. This provision was first published in 1904 and was established to place the vinegar and pickle works at Hayward on a rate parity with shippers distributing those commodities from San Francisco. The rate from San Francisco to Oakland was four cents, but in 1912 defendant, to meet the competition of the boats and barges operating on the bay of San Francisco, voluntarily established a two and one-half cent rate on freight, regardless of classification (except live stock), between San Francisco and Oakland, and between San Francisco and Richmond, which under the tariff provisions automatically applied on vinegar and pickles from Hayward to Oakland, 14.5 miles, and from Hayward to Richmond, 25 miles. San Leandro, being intermediate to Hayward in the movement to Oakland, secured the benefit of the Hayward rate. The present rate of three and one-half cents is an outgrowth of the general increases of June 25, 1918 (General Order No. 28), August 26, 1920 (18, C. R. C. 646) and the 10 per cent reduction of July 1, 1922 (68 I. C. C. 676).

Complainants maintain there is no justification for a higher rate on the canned goods here under consideration than on vinegar and pickles. They contend that the three and one-half cent rate is reasonable, per se, for the transportation of other varieties of canned goods, and refer to the rate of seven cents concurrently maintained by defendant on canned goods to Oakland from Stockton, 85 miles; from Suisun 45 miles, and from Sunnyvale 44 miles; a rate of two and one-half cents to Santa Clara from San Jose, 2.6 miles, and from Luther, 7 miles; and a rate of three and one-half cents from Los Gatos to San Jose, 11 miles and to Luther, 14 miles. Complainants also compare the assailed rate with switching rates applicable within the Oakland and San Francisco switching limits, but since there is a marked dissimilarity between a switching service and a line haul service, these comparisons are of little value.

Defendant refers to the fact that the rate of three and one-half cents on vinegar and pickles from Hayward and San Leandro to Oakland and Richmond was predicated on the rate applicable on freight regardless of classification, concurrently in effect from San Francisco to Oakland and Richmond, and as the latter rate was and is depressed by water competition it should not be used to measure the normal rate on canned goods from Hayward and San Leandro to Oakland. Defendant likewise contends that the seven cent rate from Stockton and Suisun was originally established to meet water competition and when first published applied nonintermediate, but later, following the action of the Western Pacific Railroad Company, a competitive rail

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carrier, it became maximum in application and now applies at all points directly intermediate.

Defendant further maintains that the normal basis of rates for the movement of canned goods in California is fifth class, minimum weight 36,000 pounds, as provided in the current Exception Sheet and that lower commodity rates as a general rule are established only to meet competitive conditions. Defendant stresses the fact that the applicable fifth class rate from San Leandro and Hayward to Oakland is the minimum class scale rate of eleven cents, subject to a minimum of 36,000 pounds, while the rate assessed was seven cents, with a minimum of 30,000 pounds. The latter rate, however, is the same as the fifth class rate without observing the minimum class scale rule.

Defendant presented exhibits comparing the assailed rate with fifth class rates and the rates on sugar, paddy rice and other commodities rated fifth class in the current Western Classification or Exception Sheet in effect in California and other states for comparable distances, but offered no positive evidence to prove that the generally applicable basis for the movement of canned goods in California is fifth class.

Complainants have shown that defendant maintains commodity rates on canned goods lower than the applicable fifth class rates. The seven cent rate from Suisun and Stockton to Oakland and the three and one-half cent rate from San Francisco to Oakland and Richmond are undoubtedly depressed by water competition. (*Riverside Portland Cement Company* vs. *San Pedro, Los Angeles & Salt Lake R. R. Co.*, 6 C. R. C. 293–300; *San Francisco Chamber of Commerce* vs. *Southern Pacific Co. et al.*, 11 C. R. C. 867–877). But defendant has elected to extend the canned goods rates to points not influenced by water competition and, in addition, has voluntarily established and now maintains low commodity rates on canned goods between canneries located in the Santa Clara Valley. It has not been shown in this record that the claimed low rates set forth in exhibits are reasonable, per se, but the action of defendant in voluntarily establishing and maintaining them for a period of years would indicate that they are at least reasonably compensatory, and defendant does not contend otherwise. We have heretofore recognized the right of carriers to maintain rates lower than this Commission could prescribe so long as they provided sufficient revenue to cover out-of-pocket costs and did not burden other traffic. In Case No. 2087, *Union Rock Company* vs. *Atchison, Topeka & Santa Fe Ry. et al.*, decided December 11, 1925, Decision No. 15745, the Commission said:

> When rates are attacked it is our duty to see that they are not so high as to be oppressive upon the shipper. Between such rates and rates that cover something more than out-of-pocket costs there is a zone which should be free from judicial

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interference. The carriers have complete control over rates which fall within this zone * * *.

In view of the wide disparity between the ton mile earnings under the assailed rate of seven cents and the ton mile earnings under rates concurrently maintained by defendant on similar traffic in the contiguous territory, and upon consideration of all the evidence in this proceeding we are of the opinion that the rate here under attack clearly is not within the zone which is meant to be free from judicial interference. We conclude and find that the assailed rate from Hayward was, and will be in the future, unjust and unreasonable to the extent it exceeded or may exceed five cents per 100 pounds.

We further find that complainant, H. G. Prince & Company, made certain shipments of canned goods from Hayward and San Leandro to Oakland, paid and bore the charges thereon, and has been damaged to the amount of the difference between the charges paid and those that would have accrued at the rate herein found reasonable and it is entitled to reparation, with interest on all such shipments coming within the jurisdiction of this Commission and within the purview of section 71 (*a*) of the Public Utilities Act.

The amount of reparation due can not be determined on this record. Complainant, H. G. Prince & Company, should submit to defendant a statement of the shipments made. Should it not be possible to reach an agreement as to the amount of reparation the matter may be referred to the Commission for further attention and the entry of a supplemental order should such be necessary.

There is no evidence in this record that complainant, Hunt Brothers Packing Company, made any shipments under the assailed rate.

ORDER.

This case being at issue upon complaint, full investigation of the matters and things involved having been had and basing this order on the findings of fact and conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendant, Southern Pacific Company, be and it is hereby notified and required to cease and desist on or before February 25, 1926, and thereafter to abstain from publishing, maintaining and applying a rate for the transportation of canned goods, in carloads, from Hayward to Oakland which shall exceed five cents per 100 pounds, minimum weight 30,000 pounds.

It is hereby further ordered, that defendant, Southern Pacific Company, be and it is hereby notified and required to establish on or before February 25, 1926, upon notice to this Commission and to the general public, by not less than five days' filing and posting, in the

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manner prescribed in section 14 of the Public Utilities Act, and thereafter to maintain and apply to the transportation of canned goods, in carloads, from Hayward to Oakland, a rate of five cents per 100 pounds, minimum weight 30,000 pounds.

It is hereby further ordered, that defendant, Southern Pacific Company, be and it is hereby authorized and directed to pay, with interest, to complainant, H. G. Prince & Company, all charges it may have collected for the transportation of canned goods from San Leandro and Hayward to Oakland, which exceeded the charges that would have accrued at the rate herein found reasonable, provided that this reparation award shall cover only such shipments coming within the jurisdiction of this Commission and within the purview of section 71 (*a*) of the Public Utilities Act.

Dated at San Francisco, California, this third day of February, 1926.

DECISION NO. 15924.

C. E. LEATHERMAN, PETER DELANEY, LOUISA Y. BARTLETT, KATE CRUMP, MRS. C. A. WENZEL, C. P. NYBERG, S. H. LOOP AND DR. F. H. WALKER

vs.

CONSOLIDATED WATER AND DEVELOPMENT COMPANY.

Case No. 2151.

Decided February 3, 1926.

SERVICE—WATER UTILITY.—Certain patrons of Consolidated Water and Development Company's water system in North Moneta Gardens, Los Angeles County, having complained of inadequate service and poor quality of the water, the Commission directs that utility to make improvements to eliminate cause for complaint.

James E. Barker, for Complainants.
F. Walton Brown, for Defendant.

BY THE COMMISSION.

OPINION.

In this proceeding complaint is made that the water service rendered by the Consolidated Water and Development Company, a corporation, in a tract known as the North Moneta Gardens, adjoining Hawthorne, Los Angeles County, is inadequate and insufficient, and that the company is accepting additional consumers outside its service area, which will further reduce the available supply to the present consumers.

The company in its answer admits that at times the service has been inadequate, but alleges that the service has been improved and is now satisfactory; that no consumers outside the service area are being given service; and that the company is planning to acquire and install additional facilities for producing water for use in this tract.

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A public hearing in this matter was held before Examiner Williams at Los Angeles after all interested parties had been notified and given an opportunity to appear and be heard.

The defendant owns and operates several small water systems in Los Angeles County. The system serving North Moneta Gardens is separate and isolated from the other properties of this utility. North Moneta Gardens Tract, comprising an area of 480 acres, was originally subdivided into lots and acre tracts. The present water supply is obtained from a twelve-inch cased well located on the tract and pumped into a 50,000-gallon storage tank located upon a twenty-foot tower from which it is distributed by gravity to the consumers. The distribution system consists of mains varying from two inches to twelve inches in diameter. There are at present about 250 active consumers on the system and forty-five inactive service connections to premises which have not yet been occupied. Although the majority of consumers use water only for domestic purposes, during the summer months water is sold for agricultural purposes to fifteen users, who irrigate a total of about 160 acres.

The testimony of the complainants shows that during each summer, particularly during the months of June and July, the water pressure has been very low and the quantity of water supplied the consumers insufficient for ordinary domestic and sanitary purposes; and that it has been necessary for some of the consumers to purchase bottled water for cooking and drinking purposes because of the offensive odor and unpleasant taste of the water.

Representatives of the company admitted that heretofore the company's properties had been poorly and improperly managed but showed that this was no longer the case since July, 1925, at which time the administration and operation of the company had been completely changed and reorganized by placing the company's affairs in the hands of an engineering firm specializing in water works management. According to the company the low pressures complained of were due to the unregulated irrigation use during the day and to the worn-out and leaky condition of certain pipe lines. Domestic service conditions were improved by restricting irrigation service to the evening and night and the replacement of some 900 feet of leaky mains with new pipe.

The evidence shows, however, that the present water supply is inadequate for the requirements of the community and that in order to render the kind of service which the consumers are entitled to receive it will be necessary to obtain additional water and replace the remaining leaky portions of the distribution system. To this end the company has already acquired a well upon land adjacent to the tract served and intends to install the necessary pumping equipment to produce

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an additional water supply. Assurance was given the Commission that the replacing of worn-out mains would be continued as rapidly as possible until completed. In case the improvements installed do not provide adequate pressure it may be necessary for the company to install a booster plant or other pumping equipment capable of increasing the pressure on the distribution system.

The complaint against the quality of water arises principally from the presence of sulphur which at times results in a water with a disagreeable taste and odor, especially where circulation is poor. Analyses made of the water by the State Board of Health indicate that the water is not injurious and is safe for human consumption. The elimination of dead-ends on the distribution system, in conjunction with frequent flushings of the mains, will greatly improve the quality of the water. The installation of a simple device at the wells for the aeration of the water is also recommended to improve the conditions complained of.

One other matter has been the source of considerable inconvenience to many of the consumers on this system, and that is the fact that there is at present no provision on or near the area served whereby the water bills may be paid. The present practice of the company is to mail the monthly water bills to the consumers from its Los Angeles office. These bills must be paid by mail or by calling at the company's office in Los Angeles. Arrangements should be made at once to have some store or resident located on or near the tract authorized to receive payment of water bills for the company.

The company was directed at the hearing to submit a statement setting forth its program of improvements on the tract. This statement was filed and showed that the company proposes to install a pumping plant on a new well located near Williams and Rosenkranz avenues, and have same in operation and connected to its distribution mains by May 1, 1926.

Although the testimony shows that service conditions at present are adequate yet the demand for water is not as great during the winter as it will be in the spring and summer months. For this reason the additional well should be equipped for service not later than the fifteenth of March, 1926.

The Commission recognizes the fact that it is extremely difficult for small utilities operating under such conditions as exist on this system to render adequate service promptly for both domestic use and agricultural irrigation purposes. This system is one of several in the county struggling through the transition period between irrigation and domestic service. It is apparent that this company can not properly serve its domestic consumers without so regulating the hours for irrigation as to prevent interference with domestic use. The following order

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will provide for the amending of the company's rules and regulations restricting irrigation use to night hours and for the installation of additional water supply and pumping facilities.

ORDER.

Formal complaint having been filed against the Consolidated Water and Development Company as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed in the matter;

It is hereby ordered:

1. That the Consolidated Water and Development Company, a corporation, file with this Commission within thirty (30) days from the date of this order, an amendment to its rules and regulations providing for the restriction of the use of water for agricultural irrigation purposes served by its North Moneta Gardens system, to such hours during the day and night as will not unreasonably interfere with the domestic use.

2. That Consolidated Water and Development Company shall within thirty (30) days from the date of this order, file with this Commission, subject to its approval, detailed plans for the development and installation of an additional and adequate water supply for its North Moneta Gardens system, together with the necessary pumping equipment and connecting pipes and mains, said installations to be completed and ready for service on or before the fifteenth day of March, 1926.

3. That Consolidated Water and Development Company file with this Commission monthly for a period of six months from the date of this order, a statement showing the length, size and location of all mains or pipe lines installed for the purpose of replacing existing mains or pipe lines on its North Moneta Gardens system.

The effective date of this order shall be twenty (20) days after the service thereof.

Dated at San Francisco, California, this third day of February, 1926.

DECISION NO. 15925.

IN THE MATTER OF THE APPLICATION OF PUBLIC UTILITIES STORAGE COMPANY FOR PERMISSION TO ISSUE AND SELL STOCK.

Application No. 11998.

Decided February 3, 1926.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Public Utilities Storage Company authorized to issue and sell $200,000 of common or preferred stock. Application involving $575,000 of stock dismissed without prejudice.

R. S. Page, for Applicant.

DECOTO, *Commissioner*.

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OPINION.

The Public Utilities Storage Company, a corporation, in its application as originally filed asked permission to issue $1,000,000 of 7 per cent cumulative participating preferred stock and $375,000 of common stock for the purposes hereinafter stated. At the hearing had on January 15 the company modified its request for permission to issue preferred stock and limited the amount thereof to $400,000.

The Public Utilities Storage Company was organized during October, 1925, and has an authorized stock issue of $3,000,000 divided into 100,000 shares of preferred stock of the par value of $10 each and 200,000 shares of common stock of the par value of $10 each. The articles of incorporation provide that the holders of the preferred stock shall be entitled to receive, when and as declared, from and out of the surplus or net profits of the corporation, dividends upon the par value of shares of preferred stock at the rate of 7 per cent per annum payable semiannually on dates to be determined by the directors of the corporation. The dividend on such stock shall be cumulative and shall be payable before any dividends are paid on the common stock of the company. After the payment of dividends on the common stock at the rate of 7 per cent per annum, the holders of the preferred and common stock shall share equally in any further dividend or dividends declared during any year. The company reserves the right to redeem the preferred stock by paying to the holder thereof the par value of the stock together with all accrued and unpaid dividends thereon and in addition thereto one dollar per share.

Applicant intends to erect and maintain grain elevators and loading stations at different points in the State of California and ship and store grain in bulk. The cost of loading stations and warehousing elevators is estimated by applicant in its Exhibit No. 5 at $277,500 divided as follows:

25 loading stations, 5000 bushels capacity @ $2,500 each	$62,500 00
15 warehousing elevators, 20,000 bushels capacity @ $6,000 each	90,000 00
10 warehousing elevators of 50,000 bushels capacity @ $12,500 each	125,000 00
Total	$277,500 00

To provide itself with the $277,500 and such other amounts as appear hereafter, applicant proposes to issue $400,000 of its 7 per cent cumulative preferred stock and sell the same at not less than $95 per share. It asks permission to use the proceeds from the sale of the stock for the following purposes:

To construct loading stations and warehousing elevators	$277,500 00
To pay commissions to sell stock	60,000 00
To pay organization expenses	2,500 00
To pay miscellaneous expenses	10,000 00
To provide itself with working capital	50,000 00
Total	$400,000 00

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In its Exhibit No. 5 applicant submits the following estimated revenues and expenses:

Revenues	$215,800 00
Expenses	107,225 00
Net earnings	$108,575 00

From the net earnings applicant deducts 15 per cent ($16,286) as a safety factor, which leaves a net of $92,289. The dividend on $400,000 of preferred stock at the rate of 7 per cent per annum amounts to $28,000 which, if deducted from the $92,289 leaves available for surplus and dividends on common and additional dividends on preferred stock of $64,289.

Applicant also asks permission to issue $375,000 of its common stock to the Oakland Terminal and Elevator Corporation as compensation for services which that company is to agree to render. This stock is to be issued during a period of ten years at the rate of 5000 shares per annum during the first five years and at the rate of 2500 shares during the remaining five years. There has been filed in this proceeding as applicant's Exhibit No. 4 a proposed agreement between Oakland Terminal and Elevator Corporation and the Public Utilities Storage Company. Under the terms of this agreement the Public Utilities Storage Company employs the Oakland Terminal and Elevator Corporation to assist it in accomplishing the purposes for which the applicant corporation has been organized, such employment to continue until at least thirty-five loading stations and elevators have been erected by applicant. The Oakland Terminal and Elevator Corporation agrees that it will furnish at its own expense such members of its organization as it may have available to assist applicant in its work. The agreement provides that traveling and other expenses which may be incurred by the elevator corporation for the benefit of applicant, shall be paid by applicant, provided that no salary shall be paid for the service of the employees of the elevator corporation unless such employees shall be directly employed for the operation or erection of some particular station. The elevator corporation agrees to furnish to applicant free office space at its elevator and warehouse building and for the first year that the agreement is in effect, furnish applicant without cost the use of its office force for the purpose of keeping books of applicant. Applicant must pay the cost of supplies and direct expenses such as postage, telephone, and telegraph. The elevator corporation further agrees that it will assist applicant in preparing plans for loading elevators; that it will procure bids and estimates for the same and that it will assist applicant in getting each station into working order. The elevator corporation further agrees that it will procure operators for such stations and elevators as are erected;

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that it will furnish and procure data for the benefit of applicant for the purpose of promoting the erection of such loading stations and elevators and that it will furnish members of its organization to assist in inducing grain growers to invest in and erect such stations and elevators; further, that it will assist applicant in developing an organization and that it will, at the request of applicant, take charge of the entire operation of such organization without charge other than the compensation hereinafter mentioned, except the direct cost of operation. For the services thus rendered the Oakland Terminal and Elevator Corporation is to receive, as said, $375,000 of common stock which shall be issued during a period of ten years at the rate of 5000 shares per annum for the first five years and at the rate of 2500 shares per annum for the next five years. The shares of stock are to be delivered at the end of each year. The number of shares to be delivered during 1926, 1927, 1928 and 1929 is dependent upon the number of loading stations and elevators erected.

Taking the agreement in its entirety it occurs to me that the only obligation definitely assumed by the Oakland Terminal and Elevator Corporation is the furnishing of office space and keeping applicant's books for one year. All the other undertakings are conditional or are expressed in such general language that no liability would be attached if the elevator corporation disregarded the agreement. It seems to me that the main purpose of the agreement between the two companies is to assure to Oakland Terminal and Elevator Corporation through stock ownership the control of applicant corporation. In effect the Commission is asked to authorize the issue of common stock for control purposes. Such a request has never, nor will it in this instance, be granted.

On the basis of the record in this proceeding, applicant should be able to sell both its common and preferred stock at par for cash. If the Oakland Terminal and Elevator Corporation desires to control applicant through stock ownership, it should pay cash for such of applicant's stock as it may desire to purchase.

The testimony does not show that applicant intends to or can build all of its proposed loading stations and elevators during the current year. Neither does the record justify the issue of stock to provide applicant with $50,000 of working capital. The order herein will authorize the issue of $200,000 of common or preferred stock or such amount of either common or preferred stock as applicant may determine, which, however, in the aggregate shall not exceed $200,000. The order herein will permit applicant to expend an amount equal to 20 per cent of the par value of the stock sold to pay commissions and expenses incident to the sale of the stock and to pay organization

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expenses. This is more than is usually allowed by the Commission for such purposes but is, I believe, justified by the facts in this case. In selling its stock applicant will not be permitted to accept notes for payments due on stock subscriptions. If applicant sells any of its stock on the installment payment plan, the payments made from time to time should be noted on the purchaser's subscription, which should at all times show the balance due.

I herewith submit the following form of order:

ORDER.

The Public Utilities Storage Company having applied to the Railroad Commission for permission to issue $400,000 of preferred and $375,000 of common stock, a public hearing having been held and the Railroad Commission being of the opinion that the money, property or labor to be procured and paid for by the issue of $200,000 of such stock is reasonably required and that this application in so far as it involves the issue of $575,000 of stock should be dismissed without prejudice.

It is hereby ordered, that the Public Utilities Storage Company be and it is hereby authorized to issue and sell for cash on or before November 30, 1926, at not less than par $200,000 of its common or preferred stock or such amount of either common or preferred stock as applicant may determine, not exceeding in the aggregate, however, $200,000 and use the proceeds for the following purposes:

a. To pay organization expenses, brokerage fees and commissions and other expenses incident to the sale of the stock	$40,000 00
b. To construct loading stations and grain elevators and warehouses referred to in this application	140,000 00
c. To provide an operating revolving fund	20,000 00

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that this application in so far as it involves the issue of $575,000 of stock be and the same is hereby dismissed without prejudice.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this third day of February, 1926.

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DECISION NO. 15926.

IN THE MATTER OF THE APPLICATION OF EXCELSIOR WATER AND POWER COMPANY, A CORPORATION, TO SELL AND NEVADA IRRIGATION DISTRICT TO PURCHASE A WATER SYSTEM.

Application No. 12201.

Decided February 3, 1926.

TRANSFER—WATER UTILITY—IRRIGATION DISTRICT—JURISDICTION—OUTSIDE CONSUMERS.—In authorizing the Excelsior Water and Power Company to sell its properties to the Nevada Irrigation District for $350,000 the Commission holds that it is the duty of the Commission in passing upon requests for the transfer of public utility properties to safeguard and protect the rights of any consumers remaining outside of the boundaries of the district. The Commission possesses no control or jurisdiction over irrigation districts, and there exists no state authority for the fixing of rates for such outside service.

Nilon and Nilon, by *Frank Nilon*; *Devlin and Brookman*, by *Douglas Brookman*, and *W. G. Allen*, for Excelsior Water and Power Company.
C. F. Metteer and *Aubrey L. Wisker*, for Nevada Irrigation District.

BY THE COMMISSION.

OPINION.

In this proceeding Excelsior Water and Power Company, a corporation, serving water for irrigation and domestic purposes in Nevada and Yuba counties, asks for authority to transfer its properties for a consideration of $350,000 to the Nevada Irrigation District, which joins in the application. A public hearing in this proceeding was held at Nevada City before Examiner Wheat, all interested parties having been notified and given an opportunity to appear and be heard.

Excelsior Water and Power Company is engaged in the business of supplying water as a public utility for irrigation purposes to about 2500 acres of land of which about 1000 acres are located in Nevada County and are within the boundaries of the Nevada Irrigation District, and 1500 acres more or less are in Yuba County and will be outside the present area of the district. This company's present rate for water is sixteen cents per miner's inch per twenty-four hours, the rate having been voluntarily reduced by the company from twenty-five cents per miner's inch per twenty-four hours for the purpose of stimulating the use of water. The reduction in rates, however, did not produce the anticipated increase in water sales and revenue, a fact which may be attributed very largely to the lack of water storage on the system, with the accompanying uncertainty of the water supply. The development of proper impounding facilities to insure a dependable water supply for continuous irrigation throughout the season will require the expenditure of large sums of money which under the circumstances existing in this section can not reasonably be expected of this utility but can only be economically carried out by an irrigation district.

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According to the testimony the Nevada Irrigation District includes approximately 200,000 acres of land of which 125,000 acres may be irrigated by gravity and 30,000 additional will be capable of irrigation by the installation of pumping plants. This project is already under construction and it is expected that by 1927 it will be completed to the extent that water can be supplied for the irrigation of 40,000 acres of land. The plans of the district will provide a dependable and adequate water supply for all lands within its boundaries and in addition will provide amply for the requirements of those present consumers of the Excelsior Water and Power Company located in Yuba County and outside of the boundaries of the district.

Representatives of the district testified that they understand that the district must assume the present obligations of the utility in continuing the service of water at a reasonable rate to present consumers of the selling utility whose lands lie outside the district boundaries, and to this end a resolution was passed by the board of directors of the district to the effect that the rate to be charged those consumers of the Excelsior Water and Power Company outside of the district would not exceed the present rate of sixteen cents per miner's inch day of twenty-four hours for the irrigation season of 1926.

It is clear that it is the duty of the Commission in passing upon requests for the transfer of public utility properties to an organization such as an irrigation district, adequately to safeguard and protect the rights of any consumers remaining outside of the boundaries of the district. This is particularly true because the Commission possesses no control or jurisdiction over irrigation districts, and there exists no state authority for the fixing of rates for such outside service. The present officials and board of directors of the Nevada Irrigation District have, however, evinced an entire willingness to avoid even the appearance of discrimination against those consumers of this water company whose lands lie outside the district, and have agreed and stipulated to the following conditions to be attached to and made a part of the terms of the transfer:

> The district will not decline to accept and act favorably upon applications to be included within the district of the lands which lie outside the boundaries of the district, but which have received service of water from the Excelsior system during any irrigation season since January, 1921, provided such applications be made within the period of one year from the date of the order authorizing the transfer.
>
> At no time shall the charge for water supplied to lands outside the district be at a rate in excess of that which will produce an amount sufficient to return to the district 8 per cent upon the investment of the district in its irrigation system properly allocated to the lands outside the district, plus reasonable operating expenses to render the service in question, and a proper allowance for depreciation of such property properly allocated for service to the lands outside the district.

Concerning the above stipulations and in spite of the fact that there were no protests filed by any of the present consumers residing outside

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the district against the granting of this transfer, it appears to the Commission that a period of one year within which the district will agree to accept and include within its boundaries the lands of these outside consumers is not a reasonable or sufficient period of time. The irrigation problems of the consumers in Yuba County are so complicated and involved with serious difficulties that at least two years should be allowed these consumers to determine their future course of action.

The past experience of the Excelsior Water and Power Company, as well as its predecessors in interest, has been that the revenues from irrigation service over the entire system have not paid operating expenses and depreciation, not to mention a return by way of interest upon the capital invested. In view of this fact, it might seem unnecessary to include the second stipulation above mentioned, but we are of the opinion that in view of the varying situations which may arise in the future, we should include it, if only as an expression of a fair measure of a reasonable rate. It insures the right of the consumers outside of the district to receive a water supply at a fair price; and the right to enter the district within a reasonable time, if they should so desire, is insured by the other stipulation, above mentioned.

The consideration for the transfer of this system to the district is proposed to be $350,000, less an amount equal to 5 per cent per annum for the number of days less than 60 days from and after the twenty-fifth day of November, 1925, that payment therefor is made.

From a consideration of the evidence presented herein the Commission is of the opinion that the public interest will be served by authorizing the sale of the properties of the Excelsior Water and Power Company to the Nevada Irrigation District, provided reasonable requirements be imposed upon the purchasing district to enable those consumers under the system and now outside of the boundaries of the district to enter their lands in said district or secure their water supply from another source, and to insure them the continuance of service at a fair rate.

ORDER.

Excelsior Water and Power Company, a corporation, having made application to transfer its properties in Yuba and Nevada counties to Nevada Irrigation District, which joins in the application; a public hearing having been held thereon; the matter having been submitted, and the Commission being now fully informed in the matter,

It is hereby ordered, that Excelsior Water and Power Company, a corporation, be and it is hereby authorized to transfer to Nevada Irrigation District its irrigation system and water properties as more particularly described in and subject to the terms and conditions of Exhibit "A" attached to the application herein and made a part hereof, and upon the following further conditions:

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1. That Nevada Irrigation District shall include within its boundaries the lands of any landowner, user or consumer whose lands lie outside the district, and who has received irrigation service from the system of the Excelsior Water and Power Company at any time subsequent to January 1, 1921, who applies to said district for the inclusion of his lands therein within two years from the date of this order.

2. At no time shall the charge for water supplied to lands outside the district be at a rate in excess of that which will produce an amount sufficient to return to the district 8 per cent upon the investment of the district in its irrigation system, properly allocated to the lands outside the district, plus reasonable operating expenses to render the service in question, and a proper allowance for depreciation of such property properly allocated for service to the lands outside the district.

3. That during the year 1926 Nevada Irrigation District shall not increase the rates now in effect on this system for irrigation service rendered to consumers outside the boundaries of said district, and that at no time during a period of two years from and after the date of this order shall the Nevada Irrigation District charge those consumers outside of the district a greater rate for irrigation service than the rates charged to its consumers within the district.

4. The authority herein granted shall apply only to such transfer as may have been made on or before May 1, 1926, and a certified copy of the instrument of conveyance shall be filed with the Commission by Excelsior Water and Power Company, a corporation, within thirty (30) days from the date on which it is executed.

5. Within thirty (30) days from the date of this order Excelsior Water and Power Company, a corporation, shall file with the Railroad Commission a certified statement indicating the date on which it relinquished control and possession of the properties herein authorized to be transferred.

The authority herein granted shall become effective on the date hereof.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this third day of February, 1926.

DECISION No. 15930.

IN THE MATTER OF THE APPLICATION OF GREAT WESTERN POWER COMPANY OF CALIFORNIA FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF A CERTAIN ELECTRIC TRANSMISSION LINE AND FOR THE EXERCISE OF A CERTAIN FRANCHISE GRANTED BY THE COUNTY OF SAN MATEO.

Application No. 12189.

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Decided February 3, 1926.

CERTIFICATE—ELECTRIC UTILITY—TRANSMISSION LINE.—Limited certificate granted Great Western Power Company of California to exercise franchise to operate electric transmission line along the Sky Line Boulevard to a point near the Upper Crystal Springs Dam, then southwesterly to a point near the town of Half Moon Bay to serve the territory now served by that utility under legal authority.

Chaffee E. Hall, for Applicant.
C. P. Cutten, for Pacific Gas and Electric Company.

SEAVEY, *Commissioner*.

OPINION.

Great Western Power Company of California, applicant herein, asks this Commission to make its order granting to applicant a certificate that present and future public convenience and necessity require, and will require, the construction and operation of a transmission line in San Mateo County extending from the north county line in a southerly direction generally along the Sky Line boulevard to a point near the Upper Crystal Springs Dam, then southwesterly to a point near the town of Half Moon Bay, a distance of approximately twenty-two miles, and the exercise of the rights and privileges conferred to it under and by Ordinance No. 341 of the county of San Mateo to the extent necessary to permit it to construct, operate and maintain said transmission line.

Great Western Power Company of California operates a distribution system in that portion of San Mateo County from the south limits of the city of San Francisco to the town of Lobitos, a distance of approximately twenty-five miles, generally serving the territory adjacent to the Pacific Ocean, and for a distance of three or four miles inland, the main community served being the town of Half Moon Bay. The present service is supplied through an 11,000 volt line from the San Francisco system of the Great Western Power Company. The system is in general isolated from the rest of the system operated by the Great Western Power Company. The service rendered on this system is very unsatisfactory. The line now serving the territory is inadequate, and the service is subject to many interruptions and fluctuations. It is very apparent that public convenience and necessity require improvement of service be made through the making available of additional power supply to this territory.

The Pacific Gas and Electric Company serves the territory on the east side of San Mateo County adjacent to San Francisco Bay. This section is the better built-up section of San Mateo County and that developing most rapidly. The system of the Pacific Gas and Electric Company is in general from six to ten miles distant from the Half Moon Bay territory served by Great Western Power Company, but parallels it the entire distance of approximately twenty-five miles.

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The proposal of the applicant herein is to construct a 44,000 volt transmission line from San Francisco in general along the Sky Line boulevard on the east side of the valley in which are located the Spring Valley Water Company's reservoirs, and in territory generally in or contiguous to that served by Pacific Gas and Electric Company. The line is to consist of a steel tower line, except for approximately three miles at the southern end between the summit of the divide between the reservoirs, and the coast, where a pole line the remainder of the way to Half Moon Bay is contemplated.

The estimated cost to the Great Western Power Company of constructing the transmission line from San Francisco to Half Moon Bay is approximately $156,000. This would make available a transmission line with a capacity when operated at 44,000 volts of 5000 kilowatts, and ultimately with two circuits 10,000 kilowatts capacity. The present load in the Half Moon Bay territory is approximately 2000 kilowatts. The evidence presented by the Commission's engineers indicates that a connection could be made from the transmission system of the Pacific Gas and Electric Company to Half Moon Bay for a total cost of approximately $80,000 as compared with the $156,000 estimated by the applicant. It is to be noted that to supply this territory, which is in general isolated from the main system of Great Western Power Company of California, that company is required to transmit the power by cable across San Francisco Bay from its Golden Gate substation near Richmond, thence by underground cable and overhead 11,000 volts system to the south county line of San Francisco where it is planned to install a step-up substation from 11 to 44 kilovolt for the transmission twenty-two miles to Half Moon Bay, where a step-down substation would be required. The Pacific Gas and Electric Company transmits power northward, or in the opposite direction parallel to the proposed extension for the major portion of the distance.

Applicant urges that the cost of power delivered to this transmission line at the San Francisco end is materially less than that which it would have to pay Pacific Gas and Electric Company for power, and although some saving in capital would result by connection with purchase from Pacific Company, this would be offset by the lesser power cost. I am not greatly impressed with the contention that the power costs to the Great Western Power Company at the San Francisco end of the transmission line are materially less than the cost through purchase from Pacific Gas and Electric Company. Taxes on the purchase price would be eliminated and saving would result through diversity of use of the system of Great Western Power Company, which would be of some benefit.

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It would appear from consideration of the service to the public as a whole, that it would be a more economical procedure if the service of this district were coordinated with the service now being supplied on the east side of the peninsula, rather than attempt to serve it as an isolated district extending southward from San Francisco. Both companies serving the peninsular district should give this serious consideration before unnecessary expenditures are made. It does appear, however, with the legal division of the territory as it now exists, that a decision of the management of the company to make the expenditures for services should be given special weight provided no serious detriment to the public results. The management must take the responsibility for any unnecessary investment which may be made, and the public should not be called upon to pay a return on unnecessary investment.

In view of the need of immediate relief from the service in the district now served by Great Western Power Company of California generally along the west coast of San Mateo County, I conclude that the company should be granted a limited certificate of public convenience and necessity for the transmission line in question, with the definite understanding that this authorization does not approve the reasonableness of expenditures which may be made.

ORDER.

Great Western Power Company of California having applied for a certificate of public convenience and necessity to construct a certain transmission line, and for the exercise of a certain franchise, Ordinance No. 341 of the county of San Mateo; a public hearing having been held, and the matter being ready for decision;

The Commission hereby declares and certifies that the present and future public convenience and necessity require, and will require, the construction and operation of that certain transmission line as is generally designated on Exhibit "B" attached to the application, and the exercise of the rights and privileges conferred to Great Western Power Company of California, under Ordinance No. 341, of the county of San Mateo granted to said applicant on the fifth day of October, 1925, to the extent necessary to permit Great Western Power Company of California to construct, operate and maintain said transmission line for the sole purpose of transmitting electric energy to and for the sale and distribution in that territory now served by Great Western Power Company of California, and which it may serve in the general course of its business, located in that portion of San Mateo County which it has heretofore obtained legal authority to serve. The certificate herein granted is subject to the following conditions, precedent to said certificate becoming final.

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1. Great Western Power Company of California shall, within thirty (30) days, file a stipulation duly authorized by its board of directors, agreeing that neither it, nor its successors or assigns, will claim before the Railroad Commission of the State of California, or any court or other public body having jurisdiction, a value for the franchise, Ordinance No. 341 of the county of San Mateo, in excess of the cost to it of said franchise. The cost of the franchise shall be set forth in the stipulation.

2. Great Western Power Company of California shall file a stipulation duly authorized by its board of directors, agreeing that it will at no time, unless after receiving further permit from this Commission granting such right, use the transmission line herein authorized to be constructed for the transmission of electricity for sale or distribution to consumers in any territory not within the territory for which it has heretofore obtained legal right to serve.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this third day of February, 1926.

DECISION No. 15931.

IN THE MATTER OF THE APPLICATION OF THE BOARD OF SUPERVISORS OF FRESNO COUNTY, CALIFORNIA, FOR PERMISSION TO CONSTRUCT A PUBLIC HIGHWAY CROSSING AT GRADE OVER THE TRACKS OF SOUTHERN PACIFIC COMPANY AT ISABELLA STREET NEAR THE CITY OF FRESNO, FRESNO COUNTY, CALIFORNIA.

Application No. 1351.

Decided February 3, 1926.

GRADE CROSSING—STEAM RAILROAD—ALTERATION.—It is found that the widening of Isabella street (Van Ness avenue) crossing of Southern Pacific tracks in the county of Fresno is alteration, and the cost should be borne by applicant. The utility should bear the cost of maintenance of said widened crossing.

Geo. R. Lovejoy, District Attorney by *C. M. Ozias*, Deputy District Attorney, for Applicant.

H. W. Hobbs, for Southern Pacific Company.

WHITSELL, *Commissioner.*

FIRST SUPPLEMENTAL OPINION.

The county of Fresno on July 29, 1925, filed with this Commission a petition requesting that the above entitled matter be reopened for further hearing. The petition recites that on October 10, 1914, this Commission made an order in this proceeding in Decision No. 1856, granting authority under certain conditions for the construction and maintenance of Isabella street, now Van Ness avenue, at grade across

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the tracks of the Southern Pacific Company, that within the three months preceding the filing of the petition, Isabella street has been widened and paved up to certain points outside of the outer tracks of the railroad company and that it is now necessary, fitting and proper that the railroad crossing be widened to a point ten feet outside the present width of the highway at said crossing and that the whole of said crossing as widened to a point two feet outside of the outer tracks of said Southern Pacific Company be paved.

The county of Fresno takes the position in its petition, that the widening and paving of said crossing as above described constitutes and is "maintenance" of said crossing, as defined and specified in Decision No. 1856 and that the widening and paving of said crossing should be borne by Southern Pacific Company. The petition states that Southern Pacific Company has refused to widen or pave said crossing as described. The county petitions that the Commission make an order requiring the Southern Pacific Company at is own expense to widen and pave said crossing.

The Commission on August 3, 1925, made its order reopening this proceeding for further hearing for the purpose of determining whether or not certain structural changes should be made in the crossing heretofore authorized in Decision No. 1856, dated October 10, 1914, and for the apportionment of the cost thereof. A public hearing was held on September 15, 1925, at Fresno, California. An agreed statement of facts stipulated by and between the county of Fresno and the Southern Pacific Company was filed at this hearing, which stipulation, in addition to a recital of certain facts and conditions set forth in said Decision No. 1856, contains the following:

> Pursuant to authority granted by said order, the county of Fresno, at its own expense, constructed said crossing and paved a strip twenty (20) feet in width, from the right of way line to right of way line over and across the tracks. The crossing, although opened for the full width of the street, was not at that time paved or passable for vehicular traffic, except for the twenty (20) foot strip mentioned above.
>
> Subsequently, the railroad company constructed macadam shoulders alongside the twenty (20) foot paved strip, over and across the tracks, such shoulders varying in width on the east side from ten (10) feet to three and six-tenths (3.6) feet, and on the west side, from five and two-tenths (5.2) feet to five and nine-tenths (5.9) feet, thereby widening the strip of paving passable to traffic across the tracks. The remainder of the width of said street has never been paved from the right of way lines to the tracks, nor over the tracks, nor filled up flush with the tops of the rails so as to make the same passable to vehicular traffic.
>
> On or about the twenty-fifth day of November, 1924, the county of Fresno, proceeding under the Road District Improvement Act of 1907 (Statutes 1907, page 806, and acts supplementary thereto and amendatory thereof) passed a resolution of intention ordering the paving of Van Ness avenue for a width of fifty-two (52) feet from the northerly line of the existing pavement on the state highway, northerly to the northerly line of Southern Pacific Company's right of way, and for a greater width on to the city limits of Fresno.
>
> That said improvement excepted, however, all work over and across the tracks of Southern Pacific Company lying between lines two (2) feet outside the outermost rails of said tracks. That said improvement consists in a widening of the

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existing twenty (20) foot strip of pavement to a uniform width of fifty-two (52) feet and involves paving for the first time of strips adjacent to the existing paving, varying in width so as to make the paved strip across the railroad within the right of way lines of a full width of fifty-two (52) feet.

That Southern Pacific Company will at its own expense, remove the macadam shoulders and pave in a manner comparable with the paving installed under said resolution of intention, the strips over and across the tracks and within lines two (2) feet outside the outermost rails theretofore improved with the macadam shoulders, but has not paved, except temporarily, pending decision of the Commission herein, and refuses to pave the strips of varying width adjacent to the macadam shoulders necessary to bring the pavement to a full fifty-two (52) foot width over and across the tracks and between lines two (2) feet outside the outermost rails, which strips were never heretofore paved by the county of Fresno, nor heretofore except for the temporary paving above mentioned usable by vehicular traffic because of difference between the level of top of rail and surface of the ground.

County of Fresno contends that under the order of the Railroad Commission, Decision No. 1856 above referred to, and quoted from, Southern Pacific Company is required to pave such additional strips as maintenance work. Southern Pacific Company contends that the initial paving of such additional strips constitutes construction within the terms of said order and that the obligation of maintenance on its part does not commence until the initial paving has been done by the county of Fresno.

That under said proceedings, the entire expense of the improvement, which improvement does not include any work across the tracks and within lines two (2) feet outside the outermost rails, but does include paving from each right of way line to lines two (2) feet outside the outermost rails, will be paid by annual assessments on the land within a district embracing the land abutting the street on both sides throughout the length of the improvement, including the right of way of the railroad company, and a part of the expense will be made a lien and charge upon the railroad property.

That no part of the expense of the work will be paid by the county of Fresno.

Southern Pacific Company contends that under the terms of Decision No. 1856, the county of Fresno is obligated to pay for the paving of the additional width of said street where the same lies within the right of way lines and by these proceedings it is shifting a part of that obligation back to the railroad company, and the balance of it to the owners of other property in the assessment district, contrary to the terms of that order. County of Fresno contends that, notwithstanding Railroad Commission Decision No. 1856, it has power to assess to the railroad company property any part of the expense of the improvement.

The evidence shows that the original paving in 1915 of the twenty-foot strip across the tracks was of oiled macadam and cost the county of Fresno $478. In March, 1920, a twenty-foot strip of asphaltic concrete was installed in place of the oiled macadam and treated as maintenance by the railroad company.

Counsel for applicant and Southern Pacific Company endeavored to prove their respective positions by citing definitions of maintenance and construction. However, it is my opinion that this particular case is not covered by either maintenance or construction but is rather a case of alteration of an existing crossing. The order of the Commission as set down in Decision No. 1856, above referred to, it appears, was completely carried out and became a closed matter when the street was opened across the railroad and the original crossing constructed and that any widening or other change found necessary at this time comes under the term "alteration" as embodied in section 43 (*b*) of the Public Utilities Act and that such alteration or change is a separate

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and distinct matter to be decided by the Commission as prescribed in said section 43 (*b*).

It has been the general policy of the Commission, when a grade crossing is opened across a railroad, to assess the cost of constructing the crossing to the applicant. No exception to this policy was made in Decision No. 1856 on this proceeding and the cost was assessed to the applicant, county of Fresno.

The growth of traffic has now required a widening of the crossing for the benefit of the public using the crossing. It is my opinion that the cost of widening the crossing to suit the public needs should, in this case, after considering all that has gone before, be assessed to the county of Fresno and the maintenance of the widened crossing should be borne by the Southern Pacific Company, However, Southern Pacific Company, as above stated, is willing to bear the expense of renewing the macadam shoulders with asphaltic concrete or other suitable pavement.

When the Commission undertakes to apportion the cost of constructing a crossing it makes such an apportionment on what to it appears to be a proper and equitable basis and expects each party to the proceeding to bear such share of the cost and now words its orders in such a manner that the burden of one party's share may not be passed on to another party. That this attitude is correct is indicated by the fact that section 43 (*b*) of the Public Utilities act states that "The Commission shall have the *exclusive* power * * * to prescribe * * * the proportions in which the expense of the construction, *alteration*, relocation or abolition of such crossings or the separation of such grades shall be divided between the railroad or street railroad corporations affected or between such corporations and the state, county, municipality or other political subdivision affected."

In my opinion the cost of widening the present crossing to a width of 52 feet should be borne by the applicant and therefore the following form of order is recommended:

FIRST SUPPLEMENTAL ORDER.

County of Fresno, having on July 29, 1925, filed a petition for the reopening of the above-entitled proceeding, the Commission having on August 3, 1925, made its order reopening said proceeding for further hearing, a public hearing having been held on September 15, 1925, the Commission being apprised of the facts, the matter being under submission and ready for decision; therefore,

It is hereby found as a fact, that public convenience and necessity require the widening of the public crossing of Isabella street, now Van

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Ness avenue, across the tracks of the Southern Pacific Company, authorized in Decision No. 1856, dated October 10, 1914; therefore,

It is hereby ordered, that the paving on the existing crossing, authorized in Decision No. 1856, of this Commission, dated October 10, 1914, be widened to a width of 52 feet from right of way line to right of way line of Southern Pacific Company, subject, however, to the following conditions:

(1) The cost of widening, paving and maintaining that portion of the crossing between the respective right of way lines and lines drawn two feet outside of the outside rails shall be borne by the county of Fresno.

(2) The cost of repaving and maintaining those portions of the crossing shown in blue on Southern Pacific Company's Exhibit No. 1, filed September 15, 1925, shall be borne by Southern Pacific Company.

(3) The cost of paving those portions of the crossing shown in pink on said Southern Pacific Company's Exhibit No. 1, filed September 15, 1925, shall be borne by the county of Fresno. The cost of maintaining said sections shown in pink shall be borne by Southern Pacific Company.

(4) No portion of the costs assessed to applicant, county of Fresno, in this order shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(5) If said crossing shall not have been widened and paved within one year from the date of this order, the authority herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) Applicant shall, within thirty (30) days from the date thereof, notify this Commission, in writing, of the completion of the widening and paving of said crossing.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The foregoing opinion and order are hereby approved and ordered filed, as the opinion and order of the Railroad Commission of the State of California.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this third day of February, 1926.

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DECISION NO. 15932.

ROBERT A. PRIEST, JOHN F. WILLIAMS AND M. E. FINN

vs.

THOMAS PARKHILL AND RIDGE PARK IMPROVEMENT COMPANY, A CORPORATION.

Case No. 2138.

Decided February 5, 1926.

SERVICE—WATER UTILITY—TO ABANDON—DEDICATION.—Certain consumers of a small water system on the Ridge Park tract in Contra Costa county having complained to the Commission that Ridge Park Improvement Company, subdivider of the tract, and Thomas Parkhill, successor at interest in the said water plant had discontinued service to purchasers of lots, the Commission finds that the water system had been dedicated to the public service. Defendants ordered to resume service.

Donahue, Hynes and Hamlin, by *P. B. Richards*, for Complainants.
M. H. Hernan, for Defendants.

BY THE COMMISSION.

OPINION.

This is a complaint filed by Robert A. Priest, John F. Williams and M. E. Finn asking the Commission to issue its order compelling Thomas Parkhill and the Ridge Park Improvement Company, a corporation, to resume the service of water for domestic and irrigation purposes to their premises in Ridge Park Tract in Contra Costa County.

The complainants allege in effect that they own property in Ridge Park Tract, a subdivision located near the town of Concord in Contra Costa County; that for a period of about ten years the Ridge Park Improvement Company supplied them and others with water for domestic and irrigation purposes for compensation; that the wells and pumping plant which furnished this water, together with the land on which they were located, were sold to Thomas Parkhill, who has shut off the water and has refused to continue the service. It is further alleged that defendant's water supply is the only one available in that general vicinity. The Commission therefore is requested to order defendants to resume the water service as heretofore rendered.

By way of answer defendant Parkhill enters a general denial of the matters set out in the complaint, and in his own defense alleges that he purchased the water plant to furnish his own property with water for domestic and irrigation purposes and that he has never delivered water to the complainants except commencing in March, 1925, as a matter of accommodation at the instigation and request of the Railroad Commission. Wherefore defendant Parkhill requests that the complaint be dismissed. No answer was made by or on behalf of Ridge Park Improvement Company.

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Public hearings in this matter were held before Examiner Satterwhite in the city of Oakland after all interested parties had been notified and given an opportunity to appear and be heard.

According to the evidence Ridge Park Tract was subdivided and put on the market in 1913 by Ridge Park Improvement Company, a corporation, whose principal agents were Roy Fish and Laurence Fish. A water system was constructed to serve the lot owners within the tract. Wells were drilled on lot 51, a pump and motor were installed and a storage tank erected on lot 46.

Many lot purchasers have erected permanent homes on the tract and some have planted small orchards. According to the testimony, water was furnished by the Ridge Park Improvement Company to the lot owners for compensation until 1919, when the company became defunct. In 1914 Thomas Parkhill, defendant herein, acquired his property in this tract, including lots 51 and 46 on which the wells and tank were located, although the Ridge Park Improvement Company reserved title to the wells, pumping plant, tank and other water system properties.

In 1920 immediately following the financial difficulties in which the Improvement Company became involved, Parkhill secured permission from the company to operate the plant, primarily to serve his own property with water. Although the arrangements made with the company were that Parkhill was to deliver water to his own property only, nevertheless he also supplied the other consumers from the plant, the expenses incurred in the operation being divided equally among the users, including Parkhill.

In 1924 Parkhill bought the entire water system from the Ridge Park Improvement Company for two hundred fifty dollars ($250). Water was supplied to the consumers under the arrangements as set out above until March, 1925, at which time he endeavored to have the water users agree to a certain fixed rate for service and at the same time agree to release the system from any existing obligations to serve them with water. Upon complaint of certain of the consumers the Commission obtained from Parkhill the agreement to continue the service until such time as the matter could be investigated and definitely determined by the Commission.

It is apparent to the Commission from a careful consideration of the evidence that it was the original intention of the Ridge Park Improvement Company to dedicate this water supply to the public use and that by its acts the water was in fact so dedicated. Set out in the contracts for the sale of lots in this tract was a clause stating that a water system was to be installed by the company to furnish water for domestic purposes. Reservations were made in certain of said contracts for the sale of lots to the effect that rights of way and easements were reserved for

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the plant installation and pipe lines, as well as reservations made for the rights of ingress and egress for the operation of the water system. Water was actually sold to lot owners by the company. By these acts this water system was clearly dedicated to the public use by the Ridge Park Improvement Company, which dedication could not be terminated by the mutual division of rates at cost which were in fact charged by defendant Parkhill. The attempted transfer of this water system to Parkhill in 1924, not having been approved by the Commission, was therefore void.

The evidence shows that there is little possibility of the residents of this tract obtaining water from wells on their own property. Several wells sunk by lot owners have proved to be failures. There is no other source of water supply available to these complainants within a reasonable distance of the tract. While the Commission does not as a general rule look with favor upon requiring the owners and operators of small pumping plants serving neighbors with small amounts of water to continue the supply as a public utility unless strong grounds are shown that the service is of a public utility character in fact, yet in this case it appears evident that the original owners of this system did so dedicate this water service to the public and it is also equally clear that this burden of public servitude was not and could not have been terminated by the alleged sale of the property to Parkhill, who as the present operator of the plant owes the duty to the public of continuing the supply until properly relieved by order of this Commission.

Defendant Parkhill has the right, in case the operation of this plant is not remunerative, to apply to this Commission for the fixing of a proper schedule of rates which will yield revenue sufficient to pay the reasonable costs of operation and maintenance, with allowance for depreciation, and at the same time provide a reasonable return upon the capital invested in the system; and if he could show that no rate could reasonably be fixed which would yield such a return, he might apply for authority to discontinue the service. However, until such time as such authority has been obtained, defendants must serve those members of the public entitled thereto.

ORDER.

Complaint having been made to this Commission as entitled above, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed thereon;

It is hereby ordered, for the reasons set out in the preceding opinion, that Ridge Park Improvement Company, a corporation, and Thomas Parkhill as agent and assignee of said Ridge Park Improvement Company, be and they are hereby ordered to resume the service of water

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to their consumers in Ridge Park Tract, Contra Costa County, on or before the first day of March, 1926.

It is hereby further ordered, that Ridge Park Improvement Company, a corporation, and/or Thomas Parkhill notify this Commission on or before the second day of March, 1926, of the date upon which service was resumed, in accordance with the terms of this order.

The effective date of this order is twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this fifth day of February, 1926.

DECISION No. 15936.

IN THE MATTER OF THE APPLICATION OF LINDSAY HOME TELEPHONE AND TELEGRAPH COMPANY, A CORPORATION, FOR AUTHORITY TO PUT IN EFFECT CERTAIN RATES AND CHARGES.

Application No. 12463.

Decided February 5, 1926.

RATES—TELEPHONE UTILITY.—Lindsay Home Telephone and Telegraph Company authorized to establish toll charge of five cents for local calls from public pay stations, and to establish standard charge of $3 for moves or changes in type or style of equipment.

BY THE COMMISSION.

ORDER.

Whereas, Lindsay Home Telephone and Telegraph Company having filed an application with this Commission, requesting authority to file and make effective a charge of five cents (5¢) for each local call made from established public pay stations and to file and place in effect certain rules and regulations relative to charges for moves and changes; and

Whereas, the rendering of public pay station service will be in the interest of the subscribers of the Lindsay Home Telephone and Telegraph Company, and to the public; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations and it appearing that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Lindsay Home Telephone and Telegraph Company be and it is hereby authorized to charge and collect the sum of five cents (5¢) for each local call made from public pay stations on and after March 1, 1926.

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It is hereby further ordered, that Lindsay Home Telephone and Telegraph Company be and it is hereby authorized to file with this Commission, effective as of March 1, 1926, the following rules and regulations:

1. *Moves and Changes.*

Moves and changes of telephone apparatus and wiring on the subscribers' premises, at the request of the subscriber, will be made by the company, and the charges for such work will be as follows:

A. Telephone Sets.

1. Moving from one location to another.....$3.00
2. Change in type or style..... 3.00

C. Other Equipment and Wiring.

Charges for moving or changing of equipment or wiring, other than that included under A above, will be an amount equal to the actual cost of labor and material involved.

D. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the Telephone Company and required for the proper maintenance of the equipment or service.

E. Change in Class of Service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478, except as modified in section 1 above, and as may be approved by this Commission.

Provided said rates and rules and regulations be submitted for filing with this Commission on or before February 27, 1926.

Dated at San Francisco, California, this fifth day of February, 1926.

DECISION No. 15947.

IN THE MATTER OF THE APPLICATION OF EL PISMO WATER COMPANY, W. W. WARD, W. CLYDE HEDDING, JOHN PLESSAS, J. B. BUTLER, J. R. SIMMONS, ADAM ULM, E. P. EBNER, ADOLPH UNBEHEND, HANS P. SKOV, CHARLES BELL AND G. M. HEDDING, FOR AN ORDER AUTHORIZING THE SALE OF THE PROPERTY AND WATER FRANCHISE OF THE EL PISMO WATER COMPANY.

Application No. 12394.

Decided February 6, 1926.

TRANSFER—WATER UTILITY—PUBLIC INTEREST.—**It is found that it would be for the public interest to permit a group of responsible citizens of the town of El Pismo to take over from W. W. Ward the ownership and operation of El Pismo Water Company. The operation of said system by said citizens is made conditional upon their carrying out the program of improvements required of Ward by the Commission in a previous order.**

M. R. Van Wormer, for El Pismo Water Company, W. W. Ward, W. Clyde Hedding, et al.

Fred A. Schaeffer, for Pismo Beach Water Company, Protestant.

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BY THE COMMISSION.

OPINION.

In the above entitled application W. W. Ward has requested this Commission to authorize the transfer of the public utility water system owned and operated by him under the fictitious name and style of El Pismo Water Company and used to furnish water for domestic and commercial purposes to inhabitants of the town of Pismo, in San Luis Obispo County. The purchasers, W. Clyde Hedding, John Plessas et al., are a group of citizens of Pismo who have formed an organization to acquire this utility and have joined in the application.

A public hearing in the above entitled matter was held before Examiner Austin at Pismo after all interested parties had been notified and given an opportunity to be present and be heard.

At the hearing the interested parties agreed that it would be to the best interests of all concerned to combine for hearing and decision this matter with Application No. 12399, being an application filed by Pismo Beach Water Company, a corporation, asking the Commission for a certificate of public convenience and necessity to serve water in the town of Pismo and vicinity, including the entire territory now served by the present El Pismo Water Company, applicant above. However, it appears advisable to the Commission, in light of the circumstances surrounding these two matters, to render separate decisions.

The system owned by W. W. Ward, now serving the entire town of Pismo, has been operated as a public utility since some time prior to the year 1905. The water supply is obtained by pumping from wells which are highly impregnated with minerals, resulting in a water very disagreeable to the taste and highly undesirable for cooking and other domestic purposes. The service rendered by this system has been very poor for several years. The relations existing between the owner and the consumers have been very unsatisfactory and disagreeable to the consumers, principally by reason of the arbitrary methods and practices adopted by Ward in the conduct of his utility affairs. Because of this attitude the Commission caused to be made an investigation on its own motion into the reasonableness of the practices, charges, rules, regulations and conditions of service of the El Pismo Water Company, and as a result thereof issued its Decision No. 15713, dated November 30, 1925, in which the said Ward, among other things, was directed to improve the service conditions of this system and refund all moneys collected in excess of the legal rates for service. For a more complete history and description of this system and the methods of operation reference is hereby made to the above decision of this Commission.

The extremely poor quality of the water supply of this utility and the failure on the part of Ward to improve the quality of the water

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by obtaining a more palatable supply, led to the formation of an organization by a group of business men of Pismo for the purpose of taking over the operation of this utility and improving the quality of the water and service. Negotiations were entered into and an agreement was made with said W. W. Ward in which it was agreed that the latter would sell the water properties of the El Pismo Water Company, exclusive of the wells, to the organization for a consideration of $9,000 in cash. According to the testimony it is the intention of these prospective purchasers to acquire at once an adequate and more satisfactory supply of water to be substituted for the water obtained from the Ward wells, although these wells will be retained according to the agreement until the new supply is assured. It is also their intention to replace immediately certain of the water mains with new pipe of larger capacity, and in general improve the service and public relation with consumers.

The water system controlled by the Pismo Beach Water Company, a corporation, was originally organized and operated as a mutual water company for the purpose of delivering water to certain subdivided property situated along the hills immediately overlooking the town of Pismo. This company protests against the granting of this transfer of the El Pismo Water Company's properties on the ground that it has obtained from the board of supervisors of San Luis Obispo County a franchise authorizing it to construct and install a water system to supply territory including the town of Pismo and all of the service area of the Ward system, and has filed Application No. 12399, heard in conjunction with this same proceeding herein, in which the Commission is asked to grant to it a certificate of public convenience and necessity to supply water throughout the area covered by its franchise.

The existing system of the above Pismo Beach Water Company now serves only five consumers located in the above mentioned subdivided property adjoining the town of Pismo, upon the basis of these consumers being stockholders in the mutual water company. The water supply, which is claimed to be greatly superior in quality to the water now deliveded to the residents of Pismo by the existing utility, is obtained from two drilled wells and stored in two tanks, one of 16,000 gallons capacity and the other 42,000 gallons, from which distribution is made by gravity. The entire system serving this subdivided property cost in the neighborhood of $30,000 to install, according to the testimony. This company states that it intends to issue and sell $15,000 worth of its stock to obtain funds necessary to install a complete new water system in the town of Pismo, capable of rendering adequate fire service to the community provided the necessary permission can be obtained from this Commission.

A careful consideration of the evidence leads the Commission to the conclusion that the water supply of the Pismo Beach Water Company,

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while apparently of superior quality to that now served by the present utility, is not definitely established as to its capacity and adequacy, and it further appears that little or no showing was made to this Commission as to the present financial ability of this company to obtain funds necessary to install the water system and other improvements required to serve the town of Pismo.

The officials of the Pismo Beach Water Company, while heavily interested in real estate developments in the vicinity of Pismo, are not residents of the town. The organization of citizens who have entered into the agreement with W. W. Ward to purchase his water system, is composed of a group of responsible business men representing the Chamber of Commerce of Pismo and residing in the town, having not only the financial resources to obtain the necessary funds but also having the desire and civic duty to promote the welfare of the community. In addition, this organization has already obtained a contract to acquire the existing system and will be enabled to render service to the public immediately, pending the time when the necessary improvements have been installed.

It is our opinion therefore that it will be to the public interest to approve the transfer of this water system to the group of Pismo citizens, W. Clyde Hedding, John Plessas et al.

The evidence shows that W. W. Ward has not as yet complied with the provisions of Decision No. 15713 in Case No. 2152 to the satisfaction of the Commission. A review of the evidence presented in said Case No. 2152 and of the matters set out in Decision No. 15713 therein, and a consideration of the argument presented by M. R. Van Wormer, counsel for W. W. Ward, in connection with the petition for rehearing filed in said case and heard jointly with this proceeding, has convinced the Commission that its order issued therein is reasonable, fair and just and should be carried out. The petition of W. W. Ward for a rehearing in the above mentioned Case No. 2152 has been denied by the Commission in its Decision No. 15950, rendered this day. In view of the fact that the order above referred to, No. 15713, has not yet been fully complied with, the authority for the transfer given herein will be made contingent upon the full and complete compliance by W. W. Ward with the terms and conditions of said order.

ORDER.

W. W. Ward having made application to this Commission for authority to transfer certain water properties of the El Pismo Water Company to W. Clyde Hedding et al., who have joined in the application, a public hearing having been held thereon, the matter having been submitted and the Commission now being fully informed thereon;

It is hereby ordered, that W. W. Ward be and he is hereby authorized

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to transfer to W. Clyde Hedding, John Plessas, J. B. Butler, J. R. Simmons, Adam Ulm, E. P. Ebner, Adolph Unbehend, Hans P. Skov, Charles Bell and G. M. Hedding that certain public utility water system owned by said W. W. Ward in the town of Pismo, San Luis Obispo County, in accordance with the terms and conditions of Exhibit "A," attached to and made a part of the application herein and upon the following conditions:

1. The authority herein granted shall become effective only upon full and complete compliance by W. W. Ward with the terms and conditions of the Commission's order in its Decision No. 15713, dated November 30, 1925, which is hereby referred to and incorporated by reference and made a part of the order herein, and upon the showing by said W. W. Ward to the satisfaction of the Commission that the terms of said order in said Decision No. 15713 have been properly complied with on or before the fifteenth day of March, 1926, and the Commission has issued its supplemental order herein.

2. The consideration for the transfer herein authorized shall not be urged before this Commission or any other public body as a finding of value for rate fixing or for any purpose other than the transfer herein authorized.

3. The authority herein granted shall apply only to such transfer as shall have been completed on or before April 1, 1926, and a certified copy of the final instrument of conveyance shall be filed with this Commission by W. W. Ward within thirty (30) days from the date on which it is executed.

4. Within ten (10) days from the date on which W. W. Ward actually relinquishes control and possession of the property herein authorized to be transferred, he shall file with this Commission a certified statement indicating the date upon which such control and possession was relinquished.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this sixth day of February, 1926.

DECISION No. 15951.

IN THE MATTER OF THE APPLICATION OF SOUTHERN CALIFORNIA GAS COMPANY FOR AN ORDER AUTHORIZING THE ISSUE AND SALE OF BONDS.

Application No. 12481.

Decided February 8, 1926.

SECURITIES—BONDS—TO ISSUE.—Application granted.

A. E. Peat, for Applicant.

BY THE COMMISSION.

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OPINION.

In this application Southern California Gas Company asks permission to issue and sell $2,000,000 of its first and refunding mortgage Series "B" 5½ per cent bonds due September 1, 1952, for the purposes hereinafter indicated.

Southern California Gas Company has bonds outstanding under two mortgages; its first mortgage dated November 1, 1910, securing the payment of an authorized issue of $10,000,000 of bonds and its first and refunding mortgage dated March 1, 1921, securing the payment of an authorized issue of $25,000,000 of bonds. As of November 30, 1925, it reports outstanding in the hands of the public under these mortgages $15,234,000 of bonds consisting of the following:

First mortgage 6 per cent bonds due 1950	$4,369,000 00
First and refunding mortgage bonds—	
Series "A" 7 per cent bonds due 1951	2,865,000 00
Series "B" 5½ per cent bonds due 1952	4,000,000 00
Series "C" 6 per cent bonds due 1958	4,000,000 00
Total	$15,234,000 00

The Series "B" bonds which the company now asks to issue are identical in terms with those now outstanding. The company reports that it has made arrangements to sell them at 95 per cent of face value plus accrued interest and it asks permission to use the proceeds to be received through such sale to reimburse its treasury for or to provide the cost of making additions, extensions, improvements and betterments to its property or to liquidate indebtedness incurred for the purpose of paying for such additions, extensions, improvements and betterments.

By Decision No. 14016, dated September 27, 1924, the Commission authorized the company to issue and sell $2,000,000 of Series "B" bonds to finance in part construction expenditures made prior to August 31, 1924. The company now reports that from August 31, 1924, to November 30, 1925 it expended, as shown in monthly reports filed with this Commission and in its Exhibit "B," for construction purposes the sum of $3,686,779.42, to which it adds $132,782.55 expended prior to August 31, 1924, making a total of $3,819,591.97, against which it has issued no bonds.

The testimony of A. E. Peat, applicant's treasurer, indicates that the proceeds to be received from the sale of the bonds covered by this application would be expended during the year 1926 for construction purposes. It is estimated that during this year the company will be called upon to expend for additions and betterments the sum of $3,006,500, as shown in some detail in Exhibit No. 1 filed in the hearing held in this matter.

ORDER.

Southern California Gas Company having applied to the Railroad Commission for permission to issue and sell $2,000,000 of bonds, a public

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hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue and sale is reasonably required by applicant for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income and that this application should be granted, as herein provided; therefore,

It is hereby ordered, that Southern California Gas Company be and it is hereby authorized to issue and sell on or before December 31, 1926, at not less than 95 per cent of face value plus accrued interest, $2,000,000 of its Series "B" first and refunding mortgage 5½ per cent bonds due September 1, 1952, and to use the proceeds other than accrued interest to finance in part the cost of the additions, extensions, improvements and betterments to its property made prior to November 30, 1925, described in Exhibit "B" and to pay in part the cost of additions, extensions, improvements and betterments to its properties made subsequent to November 30, 1925, described in Exhibit No. 1. The accrued interest may be used for general corporate purposes.

The authority herein granted is subject to the following conditions:

1. Applicant may use the proceeds to be received through the issue and sale of the bonds herein authorized to finance only such part of the cost of the additions, extensions, improvements and betterments referred to herein as is properly chargeable to capital accounts under the classification of accounts prescribed by the Railroad Commission.

2. Applicant shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $1,500.

Dated at San Francisco, California, this eighth day of February, 1926.

DECISION NO. 15952.

IN THE MATTER OF THE APPLICATION OF LOUIS T. FLETCHER, ELMER TREMBLE, RAMOND M. DAVIS AND H. E. SMITH TO SELL, AND MOTOR SERVICE EXPRESS, TO PURCHASE AN AUTOMOBILE FREIGHT LINE OPERATING BETWEEN LOS ANGELES AND OTHER POINTS, AND ALSO FOR AUTHORITY TO ISSUE STOCK.

Application No. 12244.
Decided February 8, 1926.

TRANSFER—AUTO TRUCKS—STOCK—TO ISSUE.—Motor Service Express, a corporation, authorized to acquire from Louis T. Fletcher and Elmer Tremble (s

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copartnership, operating under the name of Service Motor Express), and Ramond M. Davis and H. E. Smith (Coachella Valley Transportation Company) operative rights and property, and to issue $5,700 of common capital stock in payment thereof, and not to exceed $10,000 of such stock, to provide working capital.

Henry J. Bischoff, for Applicants.

BY THE COMMISSION.

OPINION.

In this application Louis T. Fletcher and Elmer Tremble, copartners doing business under the firm name and style of Service Motor Express, and Ramond M. Davis and H. E. Smith, copartners doing business under the firm name and style of Coachella Valley Transportation Company, ask permission to sell and transfer their operative rights and certain personal property to Motor Service Express, a corporation, and Motor Service Express asks permission to issue its stock in the amounts and for the purposes hereinafter set forth.

The application shows that Louis T. Fletcher and Elmer Tremble and Ramond M. Davis and H. E. Smith are engaged in the operation of auto trucks for the transportation of freight between Los Angeles and various points in southern California, operating along the routes and under the authority granted by the Commission as follows:

Owners of Right	*Decision*	*Date*	*Route*
Fletcher & Tremble	6966	Dec. 19, 1919	Between Los Angeles and San Bernardino, the authority granted covering through service between terminals, no local business to be handled between intermediate points.
Fletcher & Tremble	7328	Mar. 30, 1920	Between Los Angeles and Venice, Ocean Park and Santa Monica.
Fletcher & Tremble	8403	Nov. 30, 1920	Between Los Angeles and Riverside and between Riverside and San Bernardino, the authority granted covering through service between these points, no local service along the routes to be given.
Fletcher & Tremble	15068	June 15, 1925	Between Los Angeles and La Habra, Fullerton and Anaheim.
Davis & Smith	11867	Mar. 30, 1923	Between Los Angeles and Riverside, Colton, Banning and Mecca, with interlocal service between Banning and Mecca, and between Colton and Banning via San Timoteo Canyon and between Riverside and Beaumont via Moreno and Box Springs Grade.

The copartners now propose to transfer their business, rights and operations to a corporation, named Motor Service Express, they have caused to be organized for the purpose of receiving such business, rights and operations. Under the decisions of the Commission heretofore given, no authority has been conveyed to the copartners to consolidate the various routes now being operated, nor is such authority requested in this proceeding, the application, in this respect, involving only a request to transfer the ownership of the operative rights from the individuals to the corporation. The granting of the present request, then, should not be construed as giving the corporation permission to consolidate, link up or merge the various routes described in the pre-

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ceding paragraph and to operate them as one unified system. Before the Commission can make such an order it will be necessary for the corporation to come before it in a formal proceeding seeking a certificate of public convenience and necessity to operate the various routes as one, for the reason that such a consolidation would involve an expansion of the various rights now held by the copartners.

The articles of incorporation of Motor Service Express, a copy of which is attached to the application, show that it was organized on or about November 21, 1925, with an authorized capital stock of $50,000, consisting of 500 shares of the par value of $100 each and divided equally into common and 8 per cent cumulative preferred stock.

The corporation asks permission to issue all of its authorized capital stock and to deliver such an amount of the common stock as the Commission might determine as reasonable in payment for the property of the copartners, described in Exhibit "A," and to sell the remaining common stock and the preferred stock to provide working capital of $10,000 and to finance the cost of auto trucks and trailers.

The property to be acquired from the copartners consists of office furniture and fixtures, tools and equipment and garage supplies. That to be acquired from Louis T. Fletcher and Elmer Tremble is said to have cost $4,856.80 and to have a present value of $4,280.40 and that from Ramond M. Davis and H. E. Smith to have cost $1,875 and to have a present value of $1,415. The total reported cost of the property aggregates $6,731.80 and the present value $5,695.40.

The corporation does not propose to acquire any auto trucks or trailers at this time, but plans to lease the necessary equipment from the copartners. To this end it has entered into leases, dated January 13, 1926, with Louis T. Fletcher and Elmer Tremble and with Ramond M. Davis and H. E. Smith. Copies of these leases have been filed with the Commission in this proceeding as Exhibits "3" and "4."

These exhibits show the equipment to be operated by applicant under the leases as follows:

Leased from Fletcher and Tremble.

One 3½ ton 6-wheel Mack truck.
Three 3½ ton Mack trucks.
Three 2½ ton Mack trucks.
Three 2 ton Reo trucks.
Two 1½ ton Reo trucks.
Four 1 ton Ford trucks.
One ½ ton Ford truck.
One 2 ton Seldon truck.
One 2 ton G. M. C. truck.
One 2 ton Autocar truck.
One 2 ton White truck.
Three 5 ton Newcomer trailers.
One 4 ton Newcomer trailer.
Two 3 ton Pike trailers.
One 3 ton home made trailer.

Leased From Davis and Smith.

One 3½ ton 6-wheel Mack truck.
Two 2½ ton Mack trucks.
One 5 ton Moreland truck.
One 3 ton Moreland truck.
Two 2 ton Autocar trucks.
One 1 ton Reo truck.
One 5 ton Utility trailer.
One 2½ ton Utility trailer.
One 4 ton Reliance trailer.
Two 1 ton Army trucks.

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Under the proposed leases the corporation will pay as rental to Fletcher and Tremble the sum of $1,361.29 monthly and to Davis and Smith the sum of $735.98 monthly. The monthly rental is the equivalent of 2 per cent on the original cost of the equipment leased. It is of record that applicant corporation will not assume any of the debts of the copartnerships. The leases provide that applicant corporation shall, during the term of the leases, have the sole possession, custody and control of the trucks and trailers mentioned in said leases.

There has also been filed with the Commission copies of agreements under the terms of which applicant corporation is given an option to purchase said trucks and trailers at cost equal to the present value of said trucks and trailers less the amount of rent paid. The original cost and present value of the trucks and trailers which Service Motor Express, a copartnership, has agreed to lease to applicant corporation is reported at $68,064.56 and the present value at $38,550. The original cost and the present value of the trucks and trailers which Coachella Valley Transportation Company has agreed to lease to applicant corporation is reported at $36,799.30 and the present value at $17,000.

Financial reports have been filed by both copartnerships. One of the reports covers eleven months, the other twelve months operation. The statements show that the combined net earnings of the systems, which would have been available for payments, under the leases, aggregated $26,661.82, as compared with a rental charge of $24,431.26.

Although the company asks permission to use proceeds from the sale of the stock to acquire trucks and trailers, it did not make a definite showing of the proposed expenditures for this purpose. Moreover, it seems to us that it is the company's intention to use the leased equipment only, at first, and to purchase additional equipment as the need for it arises.

In view of the rent which applicant corporation proposes to pay for equipment, we believe that it should not at this time be permitted to issue any preferred stock and that the issue of common stock be limited to $15,700, as permitted by the order herein. Of this stock $5,700 may be delivered in payment for the miscellaneous equipment set forth in Exhibit "A" and in Exhibit "B" and $10,000 sold and the proceeds used for working capital. If it develops that the equipment which applicant corporation proposes to lease is inadequate, it may later file another application for permission to issue stock.

ORDER.

Application having been made to the Railroad Commission for an order authorizing Louis T. Fletcher and Elmer Tremble and Ramond M. Davis and H. E. Smith to transfer operative rights and certain personal properties to Motor Service Express, a corporation, and

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authorizing Motor Service Express, a corporation, to issue stock, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the application should be granted, as herein provided, and that the issue of $15,700 of common stock is reasonably required for the purposes specified herein;

It is hereby ordered, that Louis T. Fletcher and Elmer Tremble, copartners doing business under the firm name and style of Service Motor Express, and Ramond M. Davis and H. E. Smith, copartners doing business under the firm name and style of Coachella Valley Transportation Company, be and they are hereby authorized to transfer to Motor Service Express, a corporation, free and clear of all indebtedness, the personal properties described in Exhibit "A" attached to the application and the operative rights to which reference is made in the foregoing opinion, permitting the transportation of freight along the following routes:

1. Between Los Angeles and San Bernardino, for the operation of through service between terminals only, no local business to be handled between intermediate points.

2. Between Los Angeles and Venice, Ocean Park and Santa Monica.

3. Between Los Angeles and Riverside and between Riverside and San Bernardino for the operation of through service between terminals only, no local business to be handled between intermediate points.

4. Between Los Angeles and La Habra, Fullerton and Anaheim.

5. Between Los Angeles and Riverside, Colton, Banning and Mecca, with interlocal service between Banning and Mecca, and between Colton and Banning via San Timoteo Canyon and between Riverside and Beaumont via Moreno and Box Springs Grade.

It is hereby further ordered, that Motor Service Express, a corporation, be and it is hereby authorized to issue, on or before December 31, 1926, $15,700 of its common capital stock and to deliver not exceeding $5,700 thereof to Louis Fletcher and Elmer Tremble and Ramond M. Davis and H. E. Smith in full payment of the personal property and operative rights herein authorized to be transferred, and to sell the remaining $10,000 for cash at not less than par and to use the proceeds for working capital.

The authority herein granted is subject to the following conditions:

1. No authority is hereby conveyed for the consolidation, enlargement or expansion of any operative rights beyond those heretofore held by Louis T. Fletcher and Elmer Tremble and by Ramond M. Davis and H. E. Smith.

2. Louis T. Fletcher and Elmer Tremble and Ramond M. Davis and H. E. Smith shall cancel immediately all time schedules, tariffs, rates and classifications now on file with the Railroad Commission, and Motor

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Service Express, a corporation, shall file immediately new time schedules, tariffs, rates and classifications, or adopt as its own, the time schedules, tariffs, rates and classifications heretofore filed with the Commission by Louis T. Fletcher and Elmer Tremble and Ramond M. Davis and H. E. Smith, all such new time schedules, tariffs, rates and classifications to be identical with those heretofore filed with the Commission, such cancellation and filing to be in accordance with the provisions of General Order No. 51 and other regulations of this Commission.

3. Motor Service Express, a corporation, hereafter shall not transfer, assign, lease, sell, hypothecate or discontinue the rights and privileges it is herein authorized to acquire without the written consent of this Commission.

4. No vehicles may be operated by Motor Service Express, a corporation, unless such vehicles are owned by such corporation or are leased by it for a specified amount on a trip or term basis, the leasing of the equipment not to include the services of a driver or operator, all employment of drivers or operators of leased cars to be on a basis of a contract whereby such drivers or operators shall assume the status of employees of Motor Service Express.

5. Motor Service Express shall keep such record of the issue and delivery of the stock herein authorized and of the disposition of the proceeds, as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted to transfer operative rights will become effective upon the date hereof, and that the authority to issue stock will become effective when Motor Service Express, a corporation, has filed in satisfactory form certified copies of duly and legally executed leases and option agreements substantially in the same form as those filed in this proceeding and referred to in this decision, together with a duly and legally executed stipulation agreeing that Motor Service Express, a corporation, its successors, or assigns, will never urge before the Commission as a basis for the increase of its rates, the value of the properties referred to in the foregoing opinion, or the rent which said corporation has agreed to pay for said properties.

It is hereby further ordered, that the application in so far as it involves the issue of $34,300 of preferred stock be and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this eighth day of February, 1926.

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DECISION No. 15953.

IN THE MATTER OF THE APPLICATION OF C. H. WARRINGTON FOR PERMISSION TO SELL AND ASSIGN HIS FRANCHISE FOR TRANSPORTATION OF LIVE STOCK.

Application No. 12197.

Decided February 8, 1926.

TRANSFER—AUTO TRUCKS—OPERATIVE RIGHTS.—Amended application of C. H. Warrington to transfer operative rights to H. C. Greve granted.

John W. Luter, for Applicant.

BY THE COMMISSION.

OPINION.

In this application, as originally filed, C. H. Warrington applied for permission to sell, transfer and assign to C. H. Warrington Company, a corporation, the operative rights heretofore granted him by the Commission, and certain personal property, and C. H. Warrington Company, a corporation, applied for permission to issue $75,000 of stock.

In an amended petition dated January 16, 1926, the request of the corporation to issue stock is withdrawn and it is reported that the contracts between the corporation and C. H. Warrington, attached to the original application, by mutual agreement have been canceled and rescinded. The Commission is asked in this petition, to authorize the transfer of the operative rights to H. C. Greve, an individual, instead of to C. H. Warrington Company, a corporation.

A public hearing on the application, as amended, was held before Examiner Fankhauser in Los Angeles on January 20, 1926. The matter was submitted at that time and is now ready for decision.

The operative rights involved in this proceeding were granted to C. H. Warrington by the Commission by Decision No. 13835, dated July 23, 1924, in Application No. 9979, and by Decision No. 15288, dated August 13, 1925, in Application No. 11125, and permit the transportation of live stock by auto trucks over and along the following routes:

I. Under Decision No. 13835.

Routes to and from Globe Mills Feed Yards and Union Stock Yards.

1. Signal Hill: Via Downey road to Downey, thence south via College street, Ocean avenue and Cherry street to Signal Hill Packing Company.
2. Los Angeles: Via Downey road and East Ninth street to Houser Packing Company.
3. Los Angeles: Via Downey road, East Ninth street, Santa Fe avenue, and Lyon street to Wilson and Cudahy packing houses.
4. Los Angeles: Via Downey road, East Ninth street, Boyle avenue, Chicago street, East First street, Pleasant street, Summit avenue, Aliso street and Lyon street to Wilson packing house, or via Macy street to Cudahy packing house.
5. Vernon: Via Downey road, and Vernon avenue to Vernon packing house district.

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II. Under Decision No. 15288.

Route No.

1. To Pomona, Ontario and San Bernardino.
   From Stock Yards located in Central Manufacturing District, Los Angeles county, via Lorena street to Whittier boulevard, via Whittier boulevard, San Gabriel boulevard and El Monte road to Durfee road, thence to Valley boulevard near Bassett, thence via Valley boulevard to Pomona, Ontario and San Bernardino.
2. To San Fernando.
   Via Santa Fe avenue and North broadway to San Fernando road, thence to San Fernando.
3. To Lankershim.
   Same route as No. 2 to Burbank, thence west to Lankershim via Alameda street.
4. To Anaheim.
   Via Downey-Norwalk road to Norwalk, through Buena Park to Anaheim via Orangethorpe avenue.
5. To Talbert, via Downey-Norwalk road to Norwalk, thence via Artesia avenue through Artesia and Los Alamitos to Long Beach-Santa Ana road, thence via Huntington Beach boulevard and Talbert avenue.
6. To Belleflower, via Downey road, College avenue and Ocean avenue to Artesia boulevard, and via Clark street to plant.
7. To Playa del Rey, via Downey road-Slauson avenue, West boulevard and Centinela boulevard to plant.
8. From Stock Yards via Downey road to Slauson avenue, west to Hyde Park, southwest on Inglewood-Redondo road to Inglewood and Redondo. From Inglewood via Centinela boulevard to Playa del Rey. From Inglewood northwest to Washington boulevard at Charez, thence Washington boulevard to Venice, Ocean Park and Santa Monica.
9. From Stock Yards via Santa Fe avenue and North Broadway to San Fernando road, thence through Burbank to Saugus, via Ridge Route to Bakersfield. North of Bakersfield via state highway to Delano and to Visalia via Tulare. From Delano to Porterville via state highway. From Saugus via Mint Canyon and state highway to Palmdale, Lancaster and Mojave.
10. Via Route 9 to Burbank, thence west via Alameda street to Lankershim, via Sherman way to Van Nuys and Owensmouth, and via DeSoto street to Chatsworth. From Owensmouth southwest 4 miles to Ventura boulevard, via Ventura boulevard through Calabasas and Newberry Park to Camarillo and Oxnard. From Chatsworth via Santa Susanna Pass to Moorpark and Ventura. From Saugus on Route 9 west via state highway through Castiac, Piru, Fillmore and Santa Paula to Ventura. From Ventura via Coast highway to Carpinteria and Santa Barbara.
11. From Stock Yards via Coyote Pass road, Fremont avenue and Fair Oaks to Pasadena, via Fremont avenue to Huntington boulevard, thence east to Arcadia and Sierra Madre and Monrovia. From Stock Yards via Whittier boulevard, San Gabriel boulevard and El Monte road to El Monte, El Monte-Covina road to Baldwin Park, Covina and San Dimas, thence north to Glendora on Foothill boulevard. Via Route 1 to San Bernardino, thence on state highway to Victorville and Box S Ranch. From Ontario on Route 1 to Riverside and Colton, thence east from Riverside via state highway through Banning to Imperial Valley points.
12. From Stock Yards via Whittier boulevard through Montebello, Pico, Whittier, to Fullerton, thence via Santa Ana Canyon to Corona, thence via Corona-Elsinore road to Elsinore and Perris, and San Jacinto-Perris road to Hemet. Via San Diego-Inland route to Temecula, Fallbrook, Bonsall and Escondido.
13. From Stock Yards via Downey road to Clearwater and Hynes, thence 3 miles east to Bellflower thence east to Artesia and Los Alamitos, south to Westminster and east on Long Beach boulevard to Garden Grove, south to Talbert, thence southwest to Seal Beach and Balboa, and via Coast road to Laguna Beach.
14. From Stock Yards via Telegraph road through Santa Fe Springs, Buena Park, to Anaheim, thence via San Diego highway to Orange, Santa Ana, Oceanside and San Diego.
    From San Diego east via Dulzura to Campo and via El Cajon to Descanso.
    From San Diego south to Mexico border at Tia Juana via National avenue.

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15. From Stock Yards via Downey road to Slauson avenue, thence to Harbor Truck boulevard and south to Compton, Dominguez and Wilmington.

In addition to the operative rights C. H. Warrington has agreed to transfer to H. C. Greve, subject to outstanding indebtedness, certain properties described in Exhibit "1" as follows:

Fordson and Utility tractor	$1,500 00	
United 4-ton truck	5,600 00	
Ford 2-ton truck	1,350 00	
Trailer, 5-ton	1,260 00	
		$9,710 00
Less Indebtedness —		
On Fordson	$335 00	
On trailer	750 00	
On trailer body	350 00	
On Ford	560 00	
Insurance	123 00	
Note	400 00	
Repairs	63 00	
Miscellaneous	1,000 00	
		$3,581 00
Net value		$6,129 00

The consideration to be paid, according to the agreement between C. H. Warrington and H. C. Greve, a copy of which is filed as Exhibit "A," is $4,000, payable $700 upon the execution of the agreement, $75, and interest, monthly thereafter until $1,600 (including the $700) has been paid and thereafter two per cent of the total gross income from the business until the entire $4,000 has been paid, deferred payments to bear interest at 8 per cent per annum.

ORDER.

C. H. Warrington having applied to the Railroad Commission for an order authorizing the transfer of operating rights and certain personal properties, a public hearing having been held and the Commission being of the opinion that the application should be granted as herein provided;

It is hereby ordered, that C. H. Warrington be and he is hereby authorized to transfer to H. C. Greve, subject to outstanding liabilities, the properties described in Exhibit "1" filed in this proceeding and the operative rights heretofore granted him by Decision No. 13835, dated July 23, 1924, in Application No. 9979 and by Decision No. 15288, dated August 13, 1925, in Application No. 11125, permitting the transportation of live stock over and along the routes described in the opinion preceding this order, such transfer to be in accordance with the terms and provisions of the agreement, dated January 15, 1926, between C. H. Warrington and H. C. Greve, the execution of which agreement is hereby authorized.

The authority herein granted is subject to the following conditions:

(1) The consideration to be paid for the property herein authorized

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to be transferred shall never be urged before this Commission or any court or other public body having jurisdiction as a measure of value of said property for rate fixing or any purpose other than the transfer herein authorized.

(2) As required by the Commission's General Order No. 51, C. H. Warrington shall cancel immediately the tariffs of rates and time schedules now on file with the Commission covering the service the certificate for which is herein authorized to be transferred, and H. C. Greve shall file immediately, in duplicate, new tariffs of rates and time schedules, or adopt as his own the tariffs of rates and time schedules heretofore filed by C. H. Warrington, all tariffs of rates and time schedules filed or adopted by H. C. Greve to be identical with those heretofore filed by C. H. Warrington.

(3) The rights and privileges herein authorized to be transferred shall not hereafter be discontinued, sold, leased, transferred, hypothecated, or assigned unless the written consent of the Railroad Commission has first been secured.

(4) No vehicle may be operated by H. C. Greve unless it is owned by him or is leased under a contract or agreement on a basis satisfactory to the Commission.

(5) The authority herein granted shall become effective when H. C. Greve has paid the minimum fee prescribed by section 57 of the Public Utilities Act and section 6 of the Auto Stage and Truck Transportation Act, which fee is twenty-five dollars ($25).

It is hereby further ordered, that the request of C. H. Warrington Company, a corporation, to issue $75,000 of stock be and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this eighth day of February, 1926.

DECISION No. 15954.

IN THE MATTER OF THE APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY FOR AN ORDER APPROVING CHANGE IN ITS RULE NO. 7 RELATIVE TO DEPOSITS TO ESTABLISH CREDIT.

Application No. 11700.

Decided February 8, 1926.

RATES—ELECTRIC UTILITY—SERVICE DEPOSIT.—Southern California Edison Company authorized to establish service deposit charge of $2.50 for houses of seven rooms or less, and $5 for houses of eight rooms or more.

BY THE COMMISSION.

OPINION.

In this application Southern California Edison Company asks authority to increase the amount of the cash deposit required of residence consumers, under certain conditions, as a guarantee of the

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payment of bills for electric service. The rule of the company now on file with this Commission shows the following scale of deposits for residences of various classes:

4 active rooms or less—temporary occupancy	$2 00
4 active rooms or less—permanent occupancy	1 50
5, 6, or 7 rooms	2 50
8 or more rooms	5 00

In lieu of this schedule of deposits applicant desires to require a uniform deposit of $3.50 regardless of the size of residence. In support of this request it alleges that the proposed change will result in a saving of approximately $25,000 a year in bad debt losses. This claim has not been fully substantiated and we can not avoid some doubt as to its accuracy.

An investigation by one of our engineers indicates, from a study of typical accounts, that the average monthly bills of 60 per cent of the consumers making deposits do not exceed $1.25, and that only 15 per cent of the consumers making deposits, receive bills averaging in excess of $2 per month.

According to the rules of the company, these deposits are taken only from new consumers who can not satisfactorily establish their credit. Where a consumer's service has been discontinued because of the nonpayment of a bill, the company may demand a deposit of twice the average monthly bill before reconnection, a practice which should afford ample protection against chronic abuse of credit.

While we believe that the refinement in the present scale of deposits is not desirable and that a minimum deposit of $2.50 would be reasonable, we do not feel that the need for the proposed increase has been satisfactorily established.

This does not appear to be a matter in which a formal hearing is necessary.

ORDER.

Southern California Edison Company having applied to the Railroad Commission for authority to revise its Rule and Regulation No. 7 and the Commission having given due consideration to the matter and being of the opinion that certain revision of the said rule is proper;

It is hereby ordered, that

(1) Southern California Edison Company be and it is hereby authorized to refile its Rule and Regulation No. 7 so as to provide for uniform deposits for the establishment of credit of not to exceed two dollars and fifty cents ($2.50) for houses of seven rooms or less and of not to exceed five dollars ($5) for houses of eight rooms or more;

(2) The authority herein granted shall become effective ten (10) days after the date of this order, and shall apply to such refiling of said rule as may be made before March 31, 1926.

Dated at San Francisco, California, this eighth day of February, 1926.

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DECISION No. 15955.

IN THE MATTER OF THE APPLICATION OF BALLONA WATER COMPANY FOR AN ORDER AUTHORIZING THE ISSUANCE OF STOCK.

Application No. 12151.

IN THE MATTER OF THE APPLICATION OF BALLONA WATER COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND TO MAINTAIN AND OPERATE A PLANT FOR THE SUPPLYING OF DOMESTIC AND IRRIGATION WATER.

Application No. 12396.

Decided February 8, 1926.

CERTIFICATE—WATER UTILITY—STOCK—TO ISSUE—RATES ESTABLISHED.—Ballona Water Company, granted certificate to operate a public utility water system under franchise No. 1179, N. S., Los Angeles county, and under franchise applied for by W. L. Pollard before the board of supervisors of Los Angeles county. Authority granted Ballona Water Company to issue $87,800 of common capital stock in payment of properties to be operated by both applicants, same to be transferred to the instant applicant. Rates established for such service.

Moote and Patterson, by *F. D. R. Moote*, for Applicant.

BY THE COMMISSION.

OPINION.

At a hearing had on the above entitled applications on January 20th before Examiner Fankhauser the two proceedings were, with the consent of applicant, consolidated for hearing and decision. In Application No. 12151 the Ballona Water Company asks permission to issue $87,757 par value of its common capital stock in payment for water properties which it intends to operate as a public utility. In Application No. 12396 the Ballona Water Company asks permission to operate a public utility water plant and charge the rates to which reference will hereafter be made.

The Ballona Water Company was organized during July, 1925, with an authorized capital stock of $150,000 divided into 1500 shares of the par value of $100 each. The company under its articles of incorporation is authorized to acquire and construct all property necessary to supply water for domestic, agricultural and other uses. The articles of incorporation do not limit the territory within which applicant may operate.

Applicant intends to acquire from F. J. Seymour that certain franchise granted by the board of supervisors of Los Angeles County known as Franchise No. 1179, which grants the right to lay down and maintain for a period of forty years, a system of water pipes not to exceed eight inches in diameter in, under and along the public highways, streets and alleys in tracts Nos. 7888, 8222, 5498, 7782 and 7861. A copy of the franchise is attached to the petition in Application No. 12151 and marked "Exhibit B." It is of record that W. L. Pollard has applied for a franchise similar in terms to Franchise No. 1179 to lay down and

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maintain for a period of forty years a system of water pipes under and along the public highways, streets and alleys in Tract No. 6139.

The testimony shows that both F. J. Seymour and W. L. Pollard will transfer their franchises to applicant corporation. The territory that will be served by applicant is located in the county of Los Angeles, in an area bounded on the west by the city of Santa Monica and on the north and east by the city of Los Angeles.

Applicant in its Exhibit No. 1 prepared by the Utility Engineering Company, reports the historical cost of the properties which it proposes to acquire at $87,757. This cost is segregated as follows:

Account.	
Organization	$1,000 00
Franchises and water rights	5,530 00
Landed capital	16,500 00
Buildings, structures and grounds	1,954 00
Wells	4,313 00
Pumping equipment	6,314 00
Distribution mains	40,926 00
Distribution, tanks and reservoirs	8,855 00
Services	590 00
Meters	575 00
Miscellaneous distribution equipment	700 00
General office equipment	
Materials and supplies	500 00
Total	$87,757 00

It appears from the record that not all of the landed capital nor of the transmission or distributing mains are actually in use at this time. Approximately fifty-seven unmetered active services are attached to the water system which applicant intends to acquire. While the order herein will authorize the issue of $87,800 par value of common stock in payment for the properties referred to herein, it should be understood that the authority to issue such stock is not a determination as to what portion of the properties are operative or nonoperative.

The Ballona Water Company proposes to charge the following rates:

Flat Rate.	
Dwellings	$2 00
Monthly Minimum— *Metered Rates.*	
⅝ inch x ¾ inch meter	$1 50
¾ inch meter	2 00
1 inch meter	2 50
1½ inch meter	3 50
2 inch meter	5 00
3 inch meter	7 50
4 inch meter	10 00
6 inch meter	15 00

Quantity Rate—

0 to 500 cubic feet	30c per 100 cubic feet
500 to 1500 cubic feet	25c per 100 cubic feet
1500 to 3000 cubic feet	20c per 100 cubic feet
3000 to 5000 cubic feet	15c per 100 cubic feet
All over 5000 cubic feet	12½c per 100 cubic feet

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Consideration has been given to applicant's proposed rates and we believe that the flat rate should be reduced to $1.50 per month for domestic purposes and that for sprinkling lawns and shrubbery a rate of $0.005 per square yard should be charged.

ORDER.

Ballona Water Company having applied to the Railroad Commission for permission to operate a water plant, to charge certain rates and to issue $87,800 of stock to acquire said water plant, a public hearing having been held and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of such stock is reasonably required by applicant and that applicant's request should be granted as provided in this order and only to the extent as provided in this order; therefore,

The Railroad Commission hereby, finds and declares that public convenience and necessity require and will require Ballona Water Company to exercise the rights and privileges granted by the board of supervisors of Los Angeles County under Ordinance No. 1179 (new series) and to construct and operate a water system for the purpose of supplying water for domestic and irrigation purposes in tracts numbered 7888, 8222, 5498, 7782 and 7861, more particularly described in these applications.

The Railroad Commission hereby further finds and declares that hereafter upon the filing of a certified copy of the ordinance applied for by W. L. Pollard and referred to in the opinion which precedes this order, the Railroad Commission will declare that public convenience and necessity require and will require the exercise by applicant of the rights and privileges granted to it by such ordinance, subject to such terms and conditions as the Railroad Commission may prescribe;

It is hereby ordered, that Ballona Water Company be and it is hereby authorized to issue $87,800 par value of its common capital stock in payment for the properties described in applicant's Exhibit No. "1" provided that such properties are transferred to applicant free and clear of all incumbrances and indebtedness and provided further that none of such stock may be issued by applicant until said properties have first been transferred to it.

It is hereby further ordered, that Ballona Water Company be and it is hereby directed to file with the Railroad Commission within twenty (20) days from the date of this order the following schedule of rates to be charged for all services rendered subsequent to the effective date of this order.

Flat Rate.

For each residence	$1 50
For sprinkling lawn and shrubbery	005 per square yard

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Monthly Minimum—	*Metered Rates.*
⅝ inch x ¾ inch meter	$1 50
¾ inch meter	2 00
1 inch meter	2 50
1½ inch meter	3 50
2 inch meter	5 00
3 inch meter	7 50
4 inch meter	10 00
6 inch meter	15 00

Quantity Rate—

0 to 500 cubic feet	30¢ per 100 cubic feet
500 to 1500 cubic feet	25¢ per 100 cubic feet
1500 to 3000 cubic feet	20¢ per 100 cubic feet
3000 to 5000 cubic feet	15¢ per 100 cubic feet
All over 5000 cubic feet	12½¢ per 100 cubic feet

It is hereby further ordered, that Ballona Water Company be and it is hereby directed to file with the Railroad Commission within thirty (30) days from the date of this order rules and regulations governing the distribution of water to consumers, said rules to become effective upon their approval by this Commission.

It is hereby further ordered, that the authority herein granted to exercise rights and privileges under said Ordinance No. 1179 (new series) and under the ordinance for which W. L. Pollard has made application to the board of supervisors of Los Angeles County will not become effective until applicant has filed with the Railroad Commission a stipulation duly authorized by its board of directors declaring that Ballona Water Company, its successors and assigns, will never claim before the Railroad Commission or any court or other public body a value for the rights and privileges granted under said ordinance in excess of the amount paid to the county of Los Angeles as a consideration for the grant of such rights and privileges, which amount shall be set forth in the stipulation and shall have received from the Railroad Commission a supplemental order declaring that such stipulation has been filed in a form satisfactory to the Railroad Commission.

It is hereby further ordered, that Ballona Water Company shall file with the Railroad Commission a verified copy of the deed or other instrument of conveyance under which it acquires title to said properties, said deed or instrument of conveyance to be filed within fifteen (15) days after applicant acquires said properties.

It is hereby further ordered, that for all purposes not otherwise set forth in this order, the effective date of this order shall be twenty (20) days from and after the date hereof, and that Ballona Water Company shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this eighth day of February, 1926.

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DECISION No. 15956.

IN THE MATTER OF THE APPLICATION OF MOUNT LASSEN TRANSIT COMPANY, A CORPORATION, FOR THE APPROVAL OF AN AGREEMENT.

Application No. 12404.

Decided February 8, 1926.

TRANSFER—AUTO TRUCKS—NONOPERATIVE PROPERTY.—Mount Lassen Transit Company authorized to transfer its nonoperative property to Juniper Service Company for $25,000 in notes; payable at intervals of six months beginning July 1, 1926.

Harry A. Encell and *James A. Miller*, by *Harry A. Encell*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application Mount Lassen Transit Company asks for authority to enter into an agreement with Juniper Service Corporation providing for the transfer by applicant to Juniper Service Corporation of certain nonoperative properties to which reference is hereafter made.

The record shows that Mount Lassen Transit Company is the owner and operator of a system of motor stages operating between Red Bluff, Reno, Keddie, Westwood, Susanville, Lassen Volcanic National Park and intermediate points, operating under authority heretofore granted by the Commission. It is reported that in connection with the acquisition of the various auto lines the company operates, it acquired certain equipment and properties which are considered nonoperative and not necessary in the operations of a transportation company, as defined by the Auto Stage and Truck Transportation Act. These properties are described in applicant's Exhibit "A" and consist in general of tires, tubes, automobile parts, machinery, two lots at Chester, leases and garages for the conduct of a general garage business.

Applicant reports that it is of the opinion that it is advisable to separate the transportation and nontransportation business and operations and for that reason has caused the organization of Juniper Service Corporation and has entered into an agreement, a copy of which is filed as "Exhibit No. 1," to transfer to it the properties described in Exhibit "A" for a consideration of $25,000 evidenced by six per cent notes payable as follows:

July 1, 1926	$5,000 00
December 31, 1926	5,000 00
July 1, 1927	5,000 00
December 31, 1927	5,000 00
July 1, 1928	5,000 00
Total	$25,000 00

Frank E. Graham, the secretary of Mount Lassen Transit Company and of Juniper Service Corporation, testified that the revenues that

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will be obtained by Juniper Service Corporation from the operation of the properties should enable it to take care of these payments.

Juniper Service Corporation, the record shows, was organized on or about November 27, 1925, with an authorized capital stock of $200,000, divided into 200,000 shares of the par value of $1 each, all common. It appears that there will be an identity of interest between the two companies, it being the intention of the service corporation, if permitted so to do, to issue its stock to the stockholders of Mount Lassen Transit Company in the ratio of one share of its stock for every twenty shares owned by such stockholders of the stock of the transit company. It is recited that it has filed an application with the Commissioner of Corporations requesting such permission.

Although the properties to be transferred by applicant are said to be no longer used or necessary in the operations of the transportation business, it has filed this application with the Commission for the reason that it acquired such properties, or a portion of them, when purchasing operative properties, under permission granted by this Commission. An appropriate order will be entered in this matter granting the request.

ORDER.

Mount Lassen Transit Company, having applied to the Railroad Commission for approval of an agreement, a public hearing having been held before Examiner Fankhauser and the Commission being fully advised of the facts and being of the opinion that the application should be granted as herein provided;

It is hereby ordered, that Mount Lassen Transit Company be and it is hereby authorized to sell and tranfer to Juniper Service Corporation the properties described in Exhibit "A" attached to the application herein, such transfer to be upon the terms and conditions of the agreement between Mount Lassen Transit Company and Juniper Service Corporation, a copy of which is filed herein as "Exhibit No. 1," which agreement is hereby approved.

The authority herein granted is subject to further conditions as follows:

1. The approval herein given of the agreement is for the purpose of this proceeding only and is given only in so far as this Commission has jurisdiction and is not intended as an approval of such agreement as to such other legal requirements to which such agreement may be subject.

2. Applicant shall file with the Commission a certified copy of the deed or bill of sale conveying the properties herein authorized to be transferred within thirty days after execution.

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3. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this eighth day of February, 1926.

DECISION No. 15957.

IN THE MATTER OF THE APPLICATION OF LA HABRA DOMESTIC WATER COMPANY FOR A CERTIFICATE AUTHORIZING THE ISSUANCE AND SALE OF ITS CAPITAL STOCK.

Application No. 12433.

Decided February 8, 1926.

SECURITIES—STOCK—TO ISSUE.—La Habra Domestic Water Company authorized to issue and sell $10,000 of common stock, $30,000 of its 7 per cent cumulative preferred stock, and $14,400 of unsecured notes bearing interest at 7 per cent.

Launer and Collins, by *Albert Launer*, for Applicant.

BY THE COMMISSION.

OPINION.

In this proceeding, as amended at the hearing had before Examiner Fankhauser, La Habra Domestic Water Company asks permission to issue and sell $10,000 of its common capital stock, $30,000 of its 7 per cent cumulative preferred capital stock and $14,400 notes for the purposes hereinafter set forth.

Applicant has an authorized stock issue of $100,000 divided into 2000 shares of the par value of $50 each. Of this authorized stock issue, 800 shares represent preferred stock and 1200 shares, common stock. The holders of the preferred stock are entitled to receive dividends at the rate of 7 per cent per annum before any dividends may be paid on the common stock. Under applicant's articles of incorporation the preferred stock is redeemable at the option of the company at $55 per share, together with any accrued and unpaid dividends. Applicant has now outstanding $20,000 of common stock.

The Commission by Decision No. 11934, dated April 17, 1923, in Application No. 8602 authorized applicant to purchase two acres of water-bearing land located in the town of La Habra. The agreed purchase price was $25,000, of which $2,500 was paid in cash upon the execution of the agreement of purchase, leaving a balance of $22,500 payable on or before October 12, 1924, with interest at the rate of 7 per cent per annum. The testimony in this proceeding shows that there still remains due and payable $16,500 of the purchase price of the land. Applicant proposes to sell either common or preferred stock and use the proceeds to pay the $16,500.

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Applicant's financial statement shows accounts payable of $17,004.47. The $17,004.47 includes $14,377.62 "advanced by consumers" to finance the construction of additions and betterments. Of this amount $8,947.72 is now due and payable by the company. Persons who have advanced such amount have agreed to accept applicant's stock in payment for the amounts due.

Applicant has outstanding $14,400 of 7 per cent notes of which $6,400 is payable to the First National Bank of La Habra, $3,500 to Wm. Espolt, and $4,500 to the Citizens Commercial and Savings Bank of La Habra. Testimony shows that the notes now outstanding have been issued without authority from the Railroad Commission. Upon having this fact called to his attention, counsel for applicant amended the application and in such amended application asks permission to issue notes to refund the indebtedness represented by the notes now outstanding. Applicant proposes to use proceeds obtained from the sale of its stock to pay the notes.

The testimony shows that applicant will endeavor to, and believes that it can, sell its stock at par. It asks, however,that it be permitted to use an amount not exceeding 5 per cent of the par value of stock sold to pay commissions and expenses incident to the sale of stock if it becomes necessary to employ some one to sell the stock. The remainder of the proceeds will be applied to the payment of the $16,500 due on the purchase price of the land, to which reference has been made, to pay the $14,400 of notes and to pay part of the $17,004.47 of accounts payable.

ORDER.

La Habra Domestic Water Company having applied to the Railroad Commission for permission to issue $40,000 of stock, and to issue notes in the sum of $14,400 and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of such stock and notes is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that the La Habra Domestic Water Company be and it is hereby authorized to issue and sell on or before November 1, 1926, at not less than par, $10,000 of its common stock and $30,000 of its 7 per cent cumulative preferred stock, and to issue and sell at not less than par on or before such date, $14,400 face value of unsecured notes, such notes to bear interest at not to exceed 7 per cent per annum and to be payable within one year after date.

It is hereby further ordered, that La Habra Domestic Water Company shall use the proceeds obtained from the sale of said stock and notes for the following purposes:

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1. The proceeds from the sale of the notes shall be used to pay or refund the indebtedness represented by the notes, set forth in subdivision "f" of applicant's Exhibit "B."

2. An amount not exceeding 5 per cent of the par value of the stock herein authorized to be issued and sold by applicant may be used by said applicant to pay commissions and expenses incident to the sale of such stock. Such portion of the 5 per cent not necessary for said purposes, together with the remaining proceeds obtained from the sale of said stock shall be used by applicant to pay the balance due on the contract referred to in subdivision "d" of applicant's Exhibit "B"; to pay the notes referred to herein and to pay part of the $17,004.47 of accounts payable, referred to in subdivision "g" of applicant's Exhibit "B" filed in this proceeding.

It is hereby further ordered, that La Habra Domestic Water Company may issue the notes herein authorized to be issued for a term of less than one year and that if such notes are issued for a term of less than one year, renew the same from time to time, provided that the term of the original notes plus the term or terms of any notes issued in renewal thereof shall not exceed one year from the date of the notes originally issued under the authority herein granted.

It is hereby further ordered, that the authority herein granted to issue notes will become effective when La Habra Domestic Water Company has paid the minimum fee prescribed by section 57 of the Public Utilities Act, which fee is $25; that the authority to issue stock will become effective upon the date hereof and that La Habra Domestic Water Company shall keep such record of the issue and sale of the notes herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this eighth day of February, 1926.

DECISION No. 15972.

IN THE MATTER OF THE APPLICATION OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, A CORPORATION, AND HOME TELEPHONE AND TELEGRAPH COMPANY OF PASADENA, A CORPORATION, THE FORMER ASKING PERMISSION TO INSTALL TELEPHONE PLANT AND TO PUBLISH, FILE AND PUT INTO EFFECT RATES FOR EXCHANGE, INTEREXCHANGE AND TELEGRAPH SERVICE AT LA CANADA, LOS ANGELES COUNTY, CALIFORNIA, THE LATTER REQUESTING PERMISSION TO RETIRE FROM CERTAIN TERRITORY.

Application No. 11027.

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Decided February 10, 1926.

RATES—TELEPHONE UTILITY—EXCHANGE AREA.—The Pacific Telephone and Telegraph Company authorized to alter the boundaries of its Crescenta Exchange as indicated on accompanying map.

BY THE COMMISSION.

SUPPLEMENTAL ORDER.

By Decision No. 15192, dated July 17, 1925, the Railroad Commission fixed the location of the exchange area boundary line of a telephone exchange to serve the communities of Montrose, Verdugo City, La Crescenta and adjacent territory.

Good cause now appearing for a relocation of a portion of said boundary line;

It is hereby ordered, that The Pacific Telephone and Telegraph Company shall relocate the northerly portion of the exchange area boundary line of its Crescenta exchange as shown in Exhibit "A," attached hereto, effective on and after March 1, 1926, providing a map showing this change is submitted for filing on or before February 27, 1926.

It is hereby further ordered, that the order in Decision No. 15192, dated July 17, 1925, shall remain in full force and effect except as modified by this supplemental order.

For all other purposes, the effective date of this supplemental order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this tenth day of February, 1926.

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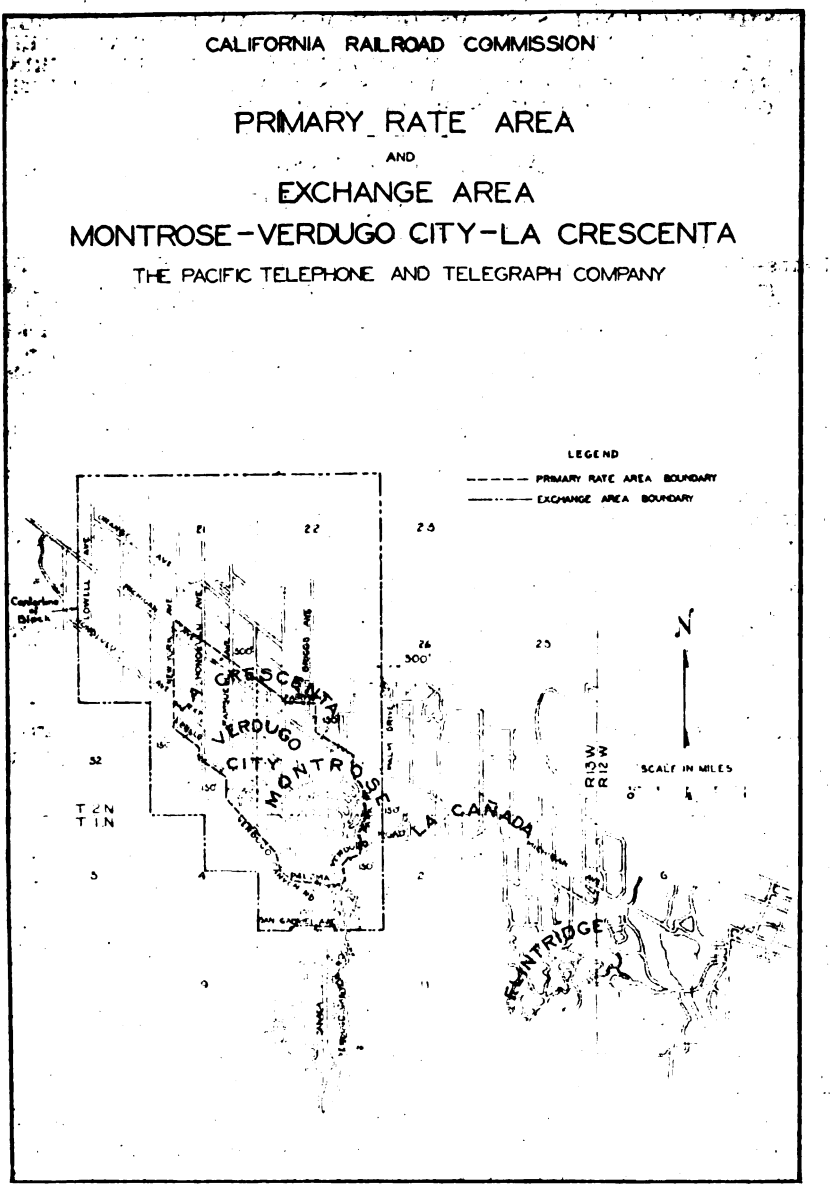
EXHIBIT "A."

MAP SHOWING THE PRIMARY RATE AREA AND EXCHANGE AREA OF CRESCENTA EXCHANGE.



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DECISION No. 15984.

IN THE MATTER OF THE APPLICATION OF POMONA VALLEY TELEPHONE AND TELEGRAPH UNION, ONTARIO AND UPLAND TELEPHONE COMPANY, AND THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY FOR AUTHORIZATION TO DISCONTINUE SO-CALLED FREE SERVICE NOW BEING RENDERED BETWEEN THE EXCHANGE SYSTEMS OF POMONA VALLEY TELEPHONE AND TELEGRAPH UNION AND ONTARIO AND UPLAND TELEPHONE COMPANY, AND TO MAKE EFFECTIVE IN LIEU THEREOF STANDARD INTERCHANGE RATES AS NOW ON FILE WITH THE COMMISSION FOR THE SERVICE INVOLVED.

Application No. 11480.

Decided February 11, 1926.

RATES—TELEPHONE UTILITY—FREE SERVICE.—Pomona Valley Telephone and Telegraph Union, and Ontario and Upland Telephone Company ordered to discontinue free toll service between Chino and Ontario, and Chino and Upland, and to charge initial rate of five cents a message therefor. The Pacific Telephone and Telegraph Company ordered to establish a toll charge of five cents a call between Chino and Ontario and Chino and Upland in place of present charge of 10 cents.

R. K. Pitzer and *Ernest Irwin*, for Pomona Valley Telephone and Telegraph Union, one of the Applicants.

James G. Marshall, for Ontario and Upland Telephone Company, and for Pacific Telephone and Telegraph Company, also Applicants.

E. H. Jolliffe, City Attorney, for City of Ontario, Protestant.

Ralph C. Homan, City Attorney, for City of Chino, and for Chino Chamber of Commerce, Protestants.

Isaac Jones, for Chamber of Commerce of Ontario, and for Ontario Business Men's Association, Protestants.

Ernest Irwin, for California Independent Telephone Association, an interested party.

BY THE COMMISSION.

OPINION.

In this proceeding the Pomona Valley Telephone and Telegraph Union, the Ontario and Upland Telephone Company and The Pacific Telephone and Telegraph Company make a joint application to abandon the so-called free toll service between the Chino area of the Pomona exchange and the Ontario-Upland exchange and to make effective in lieu thereof a standard toll rate for the service involved.

Public hearings were held in this matter before Examiner Williams in the city of Pomona on November 12 and 24, 1925, and on the latter date the matter was submitted.

At the present time the Pomona Valley Telephone and Telegraph Union and the Ontario-Upland Telephone Company are furnishing free toll telephone service between Chino area of the Pomona exchange and Ontario-Upland exchange and in addition to this service The Pacific Telephone and Telegraph Company furnishes toll service between these two points, in which case the rate is ten cents (10¢) per message for station to station calls. This free service between Chino and Ontario was established a number of years ago by a local

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telephone company operating in Chino as a competitive service to the regular toll service.

At the present time the town of Chino and immediate surrounding territory make up the Chino area which is one section of the Pomona exchange. The Pomona exchange area in fact consists of a number of exchange areas, including, in addition to the Chino area, the Pomona area, the Claremont area, the Lordsburg area and the San Dimas area. Each of these areas is operated as separate exchange area. Within each area a local exchange rate applies for which the subscriber is entitled to service within his own area and also to the other areas without additional charge. The standard toll rates apply to service furnished between Ontario-Upland exchange and the Chino, Pomona, Claremont, Lordsburg and San Dimas exchange areas. The so-called free service in addition to toll service exists only between Ontario-Upland exchange and Chino.

It was admitted by both the Pomona and Ontario telephone companies that the existing free service between Chino and Ontario was inadequate and that the number of circuits between these two points was insufficient to properly take care of the demand for this free service.

In the hearings in this proceeding several civic and business organizations were represented and protested the abandoning of this free service, stating that they were willing to pay an increased local rate providing that the free service be continued.

The question involved in this proceeding is to determine whether it is in the best interest of the subscribers of the Pomona and Ontario companies that free service be made adequate and be continued, or whether it should be discontinued and a toll rate applied to calls between these two places. It is not logical that these two services, one in which calls are charged for and the other in which calls are made without charge, be continued and it appears that one or the other should be discontinued.

The general principle of furnishing telephone service not only within this state but throughout the country assumes separate exchange areas for the different communities within which a local service is furnished for a local rate and a toll rate for service between these separate exchanges. This scheme is not only a practical method of furnishing adequate telephone service but it also results in the least total cost to the subscribers. This Commission has many times said that it is in the interest of all subscribers and of the public that the integrity of exchange areas be maintained, as this method of furnishing telephone service allows economical construction and operation which in turn is reflected in lower rates to the subscribers for services.

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In this proceeding the evidence shows that a majority of the calls of subscribers in Chino are made to subscribers in Chino and in a like manner a majority of the calls made in Ontario and Upland are made to subscribers within that exchange. Calls made from Chino subscribers to Ontario and also calls from Ontario to Chino are made by a relatively small number of the total number of subscribers in either of these areas. The town of Chino is a community separate from that of Ontario. Although municipal limits do not determine exchange boundaries, yet the fact that both Chino and Ontario have separate corporate boundaries indicate that the two localities are not one community. Keeping these two areas in separate exchanges will allow a lower exchange rate in both communities, an important point to consider. At the present time subscribers in Pomona and Claremont, the latter town relative to Ontario and Upland being in almost the identical position as Chino, pay toll rates for telephone service to Ontario and Upland. The Chino exchange relative to the Pomona exchange is in the same position as the other sections of the Pomona system. Making effective a toll rate for service between Chino and Ontario would then place the Chino subscribers on the same basis as the other subscribers of the Pomona system in relation to service to and from the Ontario-Upland exchange.

If free service is allowed between Ontario and Chino there is no particular reason why this service should not be extended between Ontario and Claremont or in fact between Ontario and all other towns surrounding Ontario in similar position as Chino. Such a procedure would be, however, most unfortunate both as regards impracticable telephone operation and prohibitive rates which would result. The Commission realizes that there may be a demand by a few subscribers for a direct local service from some exchange other than in which that subscriber resides. To meet this demand the Commission has established a foreign exchange service which provides that a subscriber located in any exchange area may obtain a direct local service from any other exchange. This service is now available.

Based upon the conditions existing in Ontario and Chino and the requirements of service between these two points and upon the evidence in this proceeding, it appears that this free service should now be discontinued. On account of the distance between Chino and Ontario, it further appears that the rate for toll service between these two points should be five cents (5¢) per message instead of ten cents (10¢) the rate now in effect.

Accordingly the order following will provide for the discontinuance of this so-called free service and the establishment of a five cent (5¢) rate for toll service between those points.

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ORDER.

The Pomona Valley Telephone and Telegraph Union, the Ontario-Upland Telephone Company and The Pacific Telephone and Telegraph Company having requested the Railroad Commission for an order authorizing applicants to discontinue the so-called free toll service between Chino and Ontario exchanges and to make effective in lieu thereof the standard toll rates now in effect and on file with the Railroad Commission and for such other and further order as may be meet in the premises, public hearings having been heard, the matter having been submitted and now ready for decision:

The Railroad Commission of the State of California hereby finds as a fact that the Pomona Valley Telephone and Telegraph Union and the Ontario-Upland Telephone Company should discontinue the furnishing of the so-called free toll service between Ontario and Chino and that The Pacific Telephone and Telegraph Company should charge and collect a rate of five cents (5¢) per message for toll service between the Chino area of the Pomona exchange and the Ontario-Upland exchange in lieu of present rate of ten cents (10¢) per message.

Basing its order on the foregoing findings of fact and upon such other findings of fact as are set forth in the opinion preceding this order;

It is hereby ordered, that the Pomona Valley Telephone and Telegraph Union and Ontario-Upland Telephone Company be and they are hereby ordered to discontinue on and after March 1, 1926, the furnishing of the so-called free toll service between Chino and Ontario and between Chino and Upland; and

It is hereby further ordered, that The Pacific Telephone and Telegraph Company—

1. Furnish on and after March 1, 1926, station to station toll service between Chino and Ontario and between Chino and Upland and charge and collect for said service an initial rate of five cents (5¢) per message.

2. File with the Railroad Commission on or before February 27, 1926, the rates and charges as contained in section (1) above.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date thereof.

Dated at San Francisco, California, this eleventh day of February, 1926.

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DECISION No. 15985.

IN THE MATTER OF THE APPLICATION OF LAKESHORE HIGHLANDS COMPANY FOR AN ORDER FINDING THAT CERTAIN PROPERTY IS NONOPERATIVE.

Application No. 12449.

Decided February 11, 1926.

JURISDICTION—NONOPERATIVE PROPERTY—TO ABANDON.—Lakeshore Highlands Company having made application to the Commission for a determination that certain real property purchased from Key System Transit Company is not operative property, the Commission dismissed the application holding it has no jurisdiction to act on said application.

Fitzgerald, Abbott and Beardsley, for Applicant.

BY THE COMMISSION.

OPINION AND ORDER.

Application has been made by Lakeshore Highlands Company for an order finding that certain property is nonoperative property of the San Francisco-Oakland Terminal Railways, or of the Key System Transit Company. It appears that the property in question is a portion of that certain real property described in Exhibit "A" attached to the supplemental petition of Hugh Goodfellow et al, Application No. 9367, and referred to in the decision of this Commission, No. 13214, dated February 28, 1924, wherein this Commission approved the omission by said Hugh Goodfellow, Warren Olney and W. I. Brobeck, trustees, of certain real property from the conveyance of properties held by them to the Key System Transit Company, and the retention of title by said trustees. Subsequently the company executed a first mortgage and a general and refunding mortgage, whose liens, we believe, attach to said properties.

Section forty-nine of article seven of the first mortgage reads as follows:

"Upon the written request of the company, from time to time, while the company is not in default hereunder to the knowledge of the trustee, the trustee, subject to the conditions and limitations prescribed in this section and not otherwise, shall release from the lien and operation of this indenture any part of the mortgaged properties then subject hereto; provided that no part of the mortgaged properties shall be released, unless at the time of such release it shall no longer be necessary or advantageous to retain the same for use in or in connection with the business of the company; and provided further, that no such release shall be made unless the company shall have sold or contracted to sell the property so to be released or shall have contracted to exchange the same for other property. Before any such release shall be given, the company shall file with the trustee an order or orders in writing requesting the same, executed by the president or vice president and secretary or assistant secretary of the company, and specifying the consideration therefore and the terms and conditions of such sale, agreement of sale, or exchange, together with a copy or copies of the resolution or resolutions of the board of directors of the company, duly certified by its secretary or assistant secretary, authorizing the execution of said order or orders which resolution shall also state that it is no longer necessary or advantageous to retain the property desired to be sold or exchanged for use in or in connection with the business of the company; and a certificate of an engineer satisfactory to the trustee (who may be an engineer employed by the company) showing that the price realized by the

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company upon any such sale, or the fair value of the property to be received by it upon any such exchange, is not less than the fair value of the property sought to be released; and said order or orders and certificate, and a copy or copies of the said resolution or resolutions, certified as aforesaid, shall be a full and complete warrant and authority to the trustee for the execution and delivery of the said releases: provided always that the same are accompanied by the consent thereto of the Railroad Commission of the State of California or other public body in whom jurisdiction rests, and if no such public body having jusidiction exists, then that said resolution or resolutions be accompanied by the certificate of the secretary or assistant secretary of the company showing that such resolution or resolutions was or were adopted by a two-thirds vote of the board of directors of the company."

The general and refunding mortgage contains a similar provision.

The Railroad Commission has never authorized the Key System Transit Company to release the property referred to herein, from the lien of either of its mortgages. The Commission, however, is of the opinion that the property mentioned is nonoperative property.

We are further of the opinion that this application by Lakeshore Highlands Company is not an application made by the seller of real property for authority to transfer the same, as provided by law and the rules of this Commission; and for these reasons now therefore,

It is hereby ordered, that the said application be and the same is hereby dismissed for lack of jurisdiction.

Dated at San Francisco, Califonia, this eleventh day of February, 1926.

Decision No. 15986.

IN THE MATTER OF THE APPLICATION OF YOSEMITE NATIONAL PARK COMPANY, A CORPORATION, TO SELL, AND YOSEMITE PARK AND CURRY COMPANY, A CORPORATION, TO PURCHASE, AUTOMOBILE PASSENGER AND FREIGHT LINES OPERATING BETWEEN MARIPOSA AND BRICEBURG, AND BETWEEN EL PORTAL-YOSEMITE, GLACIER POINT, MARIPOSA GROVE OF BIG TREES, MATHER, HETCH-HETCHY, TAHOE, AND BETWEEN FRESNO AND WAWONA, STATE OF CALIFORNIA; AND IN THE MATTER OF THE APPLICATION OF YOSEMITE PARK AND CURRY COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING IT TO ISSUE ONE HUNDRED FIFTY-SIX THOUSAND OF ITS PREFERRED AND TWO HUNDRED NINETY THOUSAND COMMON SHARES OF ITS CAPITAL STOCK.

Application No. 12349.

Decided February 11, 1926.

CERTIFICATE—TRANSFER—AUTO STAGES—STOCK—TO ISSUE.—Yosemite National Park Company authorized to tranfer to Yosemite Park and Curry Company the operative rights for stage lines operated by the former into the national park. The latter is authorized to issue $1,450,000 of common stock, and $780,000 of preferred stock in payment therefor, and of properties of Curry Camping Company.

Brobeck, Phleger and Harrison, by *H. H. Phleger* and *F. S. Richards*, for Applicants.
Chas. A. Beck, by *E. S. Lubfin*, for San Francisco and Sierra Motor Coach Line.

BY THE COMMISSION.

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OPINION.

In this proceeding the Railroad Commission is asked to make an order authorizing Yosemite National Park Company, a corporation, to transfer certain operative rights to Yosemite Park and Curry Company, a corporation, and Yosemite Park and Curry Company to issue $2,230,000 of stock in payment for the properties of Yosemite National Park Company and Curry Camping Company.

Yosemite National Park Company and Curry Camping Company are engaged primarily in the resort business within Yosemite Park, operating under concessions granted by the Department of the Interior of the United States government. Yosemite National Park Company, however, in addition, is engaged in the operation of stages for the transportation of passengers, express and baggage, both within and without the confines of the Yosemite National Park, such operations being in part under the jurisdiction of this Commission and being conducted under certificates granted by the Commission as follows:

Decision	*Date*	*Route*
11749	March 6, 1923.	Between points in Yosemite Valley and Glacier Point, Mariposa Big Trees, El Portal, Hetch Hetchy Valley, Tuolumne Meadows and Tahoe and intermediate points for the transportation of passengers, freight, express and baggage.
11750	March 6, 1923.	Between Briceburg and Mariposa and intermediate points for the transportation of passengers, freight, express and baggage.
13686	June 11, 1924.	Between Fresno and Wishon and Wawona for the
13720	June 20, 1924.	transportation of passengers and hand baggage via Blackstone Avenue, Lane's Bridge, Bates Station, Coarse Gold, Wishon, Fourmile, a point on Wawona Road close to National Park boundary near Mariposa Big Tree Grove and Wawona Road; provided, however, that either of the following two routes may be used when road conditions necessitate: 1. Via Friant, Belleview, O'Neals, Wishon, Fourmile, a point on Wawona Road close to National Park boundary near Mariposa Big Tree Grove, and Wawona Road. 2. Via Clovis, Auberry, South Fork, Wishon, Fourmile, a point on Wawona Road close to National Park boundary near Mariposa Big Tree Grove, and Wawona Road, provided, that no passengers or baggage may be transported by applicant under the certificate unless such passengers or baggage originate at Fresno or Wishon, destined to Wawona, or originate at Wawona destined to Fresno or Wishon, the certificate expressly prohibiting transportation between any intermediate points whatsoever between Fresno and Wishon and Wawona.

The record shows that the two companies have decided to consolidate their properties and business and have caused the organization of Yosemite Park and Curry Company for the purpose of transferring to it such properties and business.

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Yosemite Park and Curry Company was organized on or about October 15, 1925, with an authorized capital stock of $3,000,000 divided into 600,000 shares of the par value of $5 each, classified into $1,250,000 of 6 per cent cumulative preferred stock and $1,750,000 of common stock. It proposes to issue $725,000 of common stock in payment of the properties of Curry Camping Company, and $725,000 of common stock, and $780,000 of preferred in payment for the properties of Yosemite National Park Company, a total proposed issue at this time of $2,230,000.

The testimony shows that the properties to be acquired by the new corporation were appraised by the American Appraisal Company which has estimated the value of the properties of Curry Camping Company as of July 1, 1924, at $712,000 and those of Yosemite National Park Company at $1,562,000, and the cost of inventories at $120,000, making a total of $2,394,000. Deducting from this $330,000 representing indebtedness and preferred stock paid or redeemed, leaves a net balance of $2,183,000. In addition to this amount the testimony herein shows that since the date of the appraisal the properties' net earnings have amounted to $303,000, which is said to have been invested in the business and not disbursed in the form of dividends.

ORDER.

Yosemite National Park Company having applied to the Railroad Commission for permission to transfer operative rights, and Yosemite Park and Curry Company for permission to issue stock, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the application should be granted and that the issue of the stock is reasonably required by Yosemite Park and Curry Company;

It is hereby ordered, that Yosemite National Park Company be and it is hereby authorized to transfer to Yosemite Park and Curry Company the operative rights referred to in the foregoing opinion, and Yosemite Park and Curry Company be and it is hereby authorized to issue $1,450,000 of its common stock and $780,000 of its preferred stock in payment for the properties of Curry Camping Company and of Yosemite National Park Company.

The authority herein granted is subject to the following conditions:

1. In accordance with General Order No. 51 and other regulations of the Commission, Yosemite National Park Company shall cancel immediately all time schedules, rates, tariffs and classifications filed by it with the Railroad Commission, and Yosemite Park and Curry Company shall file new time schedules, rates, tariffs and classifications, or adopt as its own the time schedules, rates, tariffs and classifica-

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tions heretofore filed by Yosemite National Park Company, such new time schedules, tariffs, rates and classifications to be identical with those now on file by Yosemite National Park Company.

2. No vehicles may be operated by Yosemite Park and Curry Company under the operative rights acquired by it unless such vehicles are owned by it or are leased on a basis satisfactory to the Commission.

3. Yosemite Park and Curry Company shall not transfer, assign, lease, sell hypothecate or discontinue the rights and privileges it is herein authorized to acquire without the written consent of the commission.

4. Yosemite Park and Curry Company shall keep such record of the issue, sale and delivery of the stock herein authorized, and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

5. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, Califonia, this eleventh day of February, 1926.

DECISION NO. 15988.

IN THE MATTER OF THE APPLICATION OF LOS GATOS TELEPHONE COMPANY, A CORPORATION, FOR AUTHORITY TO ISSUE STOCK.

Application No. 12476.

Decided February 15, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

F. F. Watkins, for Applicant.

BY THE COMMISSION.

ORDER.

Los Gatos Telephone Company having applied to the Railroad Commission for permission to issue and sell, at par, $10,000 of its common stock and to use the proceeds to finance in part the reported cost of $4,390.95 for a common battery multiple switchboard and to pay a 6 per cent promissory demand note for $6,000 now outstanding which was issued on August 10, 1925, to provide in part the sum of $7,279.95 said to have been expended during 1925 in the purchase and installation of cable, and a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the application should be granted and that the money, property or labor to be procured or paid for by such issue and sale is reasonably required by applicant;

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It is hereby ordered, that Los Gatos Telephone Company be and it is hereby authorized to issue and sell on or before September 30, 1926, at not less than par, for cash, 1000 shares of its common capital stock of the aggregate par value of $10,000 and to use the proceeds to pay the note of $6,000 and to finance in part the cost of the additional switchboard referred to herein; provided, that the authority herein granted shall become effective upon the date hereof and that applicant shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this fifteenth day of February, 1926.

Decision No. 15997.

SAN FRANCISCO CHAMBER OF COMMERCE,

vs.

SOUTHERN PACIFIC COMPANY, ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY.

Case No. 1980.

IN THE MATTER OF THE APPLICATION OF F. W. GOMPH, AGENT, IN THE NAME OF AND ON BEHALF OF ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, LOS ANGELES AND SALT LAKE RAILROAD COMPANY, PACIFIC ELECTRIC RAILWAY COMPANY, SAN DIEGO AND ARIZONA RAILWAY COMPANY, SOUTHERN PACIFIC COMPANY, WESTERN PACIFIC RAILROAD COMPANY, TO ESTABLISH INCREASED RATES FOR TRAP CAR SERVICE AT POINTS IN CALIFORNIA.

Application No. 11703.

Decided February 15, 1926.

RATES—STEAM RAILROAD—TRAP CAR SERVICE.—After further hearing the Commission ordered defendant carriers to establish on or before March 15, 1926, a charge of $2.70 a car for trap car service (less than carload switching) at San Francisco and Oakland, subject to a minimum line haul revenue of $15 per car, and to cancel tariffs in conflict therewith. Applicant carriers directed to establish similar charge at stations on their lines as set forth in their application.

Seth Mann, for San Francisco Chamber of Commerce.

Sanborn and Rochl and DeLancey C. Smith, by *A. B. Rochl* and *R. D. Ryader*, for South San Francisco Chamber of Commerce and Manufacturers Association of South San Francisco, Interveners.

E. W. Hollingsworth, R. T. Boyd and *Bishop and Bahler*, for Traffic Department Oakland Chamber of Commerce, Berkeley Manufacturers Association, Berkeley Chamber of Commerce, and Richmond Chamber of Commerce, Interveners.

W. O. Banks and *George M. Lown*, for Standard Oil Company.

G. J. Bradley, for Merchants and Manufacturers Association of Sacramento, Intervener.

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J. F. Vizzard, for Draymen's Association of San Francisco and California Truck Owners Association, Interveners.
B. E. Bishop, for Montague Pipe and Steel Company, Interveners.
E. W. Camp and *B. Levy*, for Atchison, Topeka and Santa Fe Railway.
J. E. Lyons, *H. W. Klein* and *V. S. Andrus*, for Southern Pacific Company.
Gwyn H. Baker and *H. M. Wade*, for Haas Brothers, Sussman-Wormser, J. H. Newbauer and Company and Dodge, Sweeney Company.
W. J. Lane, for Dried Fruit Association of California.
C. S. Connolly, for Albers Brothers Milling Company.
E. E. Bennett, for Los Angeles and Salt Lake Railroad Company.
George F. Squires, for Pacific Electric Railway Company.
James S. Moore, for Western Pacific Railroad Company.

BY THE COMMISSION.

OPINION ON FURTHER HEARING IN CASE No. 1980 AND APPLICATION No. 11703 FOR AUTHORITY TO PUBLISH TRAP CAR CHARGES.

We may conveniently dispose of the issues raised on further hearing in Case No. 1980 and of those involved in Application No. 11703 in one report.

In our Decision No. 14710, Case No. 1980, March 27, 1925 (26 C. R. C. 160), we found that failure of the defendants to establish a general less carload trap car service, hereinafter referred to as trap car service, at San Francisco, and also that the practice of performing free trap car service within the San Francisco switching limits for the Grocers Terminal and the Ford Terminal resulted in unlawful discrimination, preference and advantage.

The unlawful practices were ordered removed.

In the previous decision we said:

"Defendants should submit to the Commission within ninety (90) days from the date of this order its plan for removing the discrimination, and in this connection we would suggest that conferences be held with the interested shippers in both the San Francisco and Oakland territories in an effort to arrive at an arrangement satisfactory to both communities, nonpreferential and in compliance with the state constitution and the Public Utilities Act."

Defendants did confer with the complainants as ordered, and on May 27, 1925, submitted their proposal for removal of the unlawful practices found to exist and offered to establish at San Francisco, Oakland and other stations in California adjustments approximately as follows:

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Station	Between	And	Commodity	Rate Per Car
All Stations in California	Depot	Wharves, Industries, Warehouses and Private Side Tracks Located Within Switching Limits	Freight, less carload, originating at or destined to points beyond Company's switching limits on or via the line on which the shipment originates.	$3.50 Subject to an aggregate minimum line haul revenue of $15.00 per car, deficit, if any, to be paid by party paying the switching charge
As Shown in Exhibit	Wharves Industries, Warehouses and Private Side Tracks Located Within Switching Limits	Interchange Tracks With Carriers as Shown in Exhibit	Freight, less carload, originating at or destined points on or via connecting lines beyond switching limits at point of interchange.	$3.50
As Shown in Exhibit	Depot	Interchange Tracks as Shown in Exhibit	Freight, less carload, originating at or destined to points beyond switching limits and on which the carrier receives a line haul when to or from wharves, industries, warehouses or private side tracks within switching limits of connecting lines at point of interchange.	No charge Subject to an aggregate minimum line haul revenue of $15.00 per car, deficit, if any, to be paid by party paying the switching charge of connecting line at point of interchange

Defendants Southern Pacific Company and Atchison, Topeka and Santa Fe Railway Company also advised the complainants that the Los Angeles and Salt Lake Railroad Company, Pacific Electric Railway Company, San Diego and Arizona Railway Company and Western Pacific Railroad Company were agreeable to establishing trap car service on the same basis at stations on their lines.

The complainants and interveners failing to agree upon a satisfactory adjustment we reopened the case, setting the proceeding for further hearing on September 16, 1925, but at the request of the complainants and defendants postponements were granted and the final hearing was not completed until December 15, 1925.

Application No. 11703.

On August 22, 1925, The Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Company, Los Angeles and Salt Lake Railroad Company, Pacific Electric Railway Company, San Diego and Arizona Railway Company and Western Pacific Railroad Company, by F. W. Gomph, agent, applied under section 63 of the Public Utilities Act for permission to establish throughout California at the stations located on their respective lines the rules and charges offered in Case

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No. 1980, which rules and charges they alleged would remove, at all points where trap car service might be demanded, the discrimination found to exist.

The evidence submitted by complainants at this further hearing is not materially different from that introduced by their witnesses and as set forth in their exhibits in the original proceeding. There were filed at this hearing additional exhibits showing the trap car service rendered at New Orleans and Salt Lake City, with quotations from tariffs. At New Orleans carriers provide a free trap car service for not less than 10,000 pounds when destined to competitive and non-competitive points, but when less than 10,000 pounds the regular switching charge is assessed. At Salt Lake City the Western Pacific Railroad provides a free trap car service when the freight offered totals 6000 pounds and is incidental to a local line haul. These exhibits, however, must be considered in connection with complainants' Exhibit No. 9, introduced at the original hearing by witness Mayfield. The Mayfield exhibit analyzed the trap car arrangements at practically all important industrial centers throughout the United States.

It will not be necessary to again enter into a detailed analysis of this exhibit; suffice it to say there is no standard basis for the trap car service, there being almost as many service charges as there are cities, viz, a flat charge of $3.15; $2.70 minimum weight 4000 pounds; $2.25 minimum weight 4000 pounds; no charge, but requiring a minimum weight of 6000 pounds; no charge, but requiring a minimum weight of 10,000 pounds, etc. The required line haul minimum revenue also varies; it is $12, $12.50, $18.50, $19, etc. Carriers entering the city of Chicago, one of the largest industrial and railroad centers in the United States, furnish trap car service on two bases, the lines to the eastern territory require a minimum weight of 10,000 pounds, a minimum line haul revenue of $19 and, in addition, a penalty switching charge when the freight offered is less than 10,000 pounds. As illustrative, when the total trap car freight weighs from 8000 to 8999 pounds the penalty switching charge is $2.70; from 5000 to 5999 pounds $6.30, and for less than 5000 pounds $7.65. These switching charges are in addition to the minimum line haul revenue of $19. The carriers operating out of Chicago to the west furnish trap cars for a minimum weight of 6000 pounds, with a minimum line haul revenue of $19, and penalty switching charges when the weight falls below 6000 pounds; viz, for weights 5000 to 5999 pounds $6.30 and on cars containing less than 5000 pounds $7.65. All of the car privileges are governed by rules limiting the use of service.

The protestants in connection with Application No. 11703 presented three exhibits showing the less than carload tonnage forwarded from Grocers Terminal, San Francisco. The contention of these interveners

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is that because their trap cars moving out of Grocers Terminal are heavily loaded and frequently pass through carriers' terminal yards without breaking bulk they are in a distinct class and, therefore, should receive different treatment than is accorded other shippers. With this suggestion we can not agree; it would create discrimination and be in violation of section 19 of the act prohibiting the granting of preference or advantage.

As part of their defense for the proposed trap car charge of $3.50 per car based on a minimum line haul revenue of $15, the carriers submitted an exhibit showing the yard engine time consumed in performing various kinds of terminal service, secured during a test period in 1923 at Sacramento, Fresno and San Francisco. The object of the exhibit was to show that industrial switching requires a greater amount of yard engine time per loaded car than the other classes. At Fresno it required 47 minutes; at Sacramento 62 minutes and at San Francisco 74 minutes. Another exhibit purports to show the yard transportation expense in the movement of loaded cars at important terminal points on the Southern Pacific Company, Atchison, Topeka and Santa Fe Railway and San Diego and Arizona Railway. The average cost, from studies made in 1925 at nine cities, was $3.66 per loaded car. This cost figure includes such items as locomotive repairs, salaries of yard masters, clerks and engine men, supplies and engine house expenses. To these should be added the 7 per cent state tax, based on a revenue of $3.50 per car, or 24 cents, and a car detention charge of $1.98, making a total average cost of $5.88. The yard transportation expense varies at the different terminals; at San Francisco the average is $4.41; Los Angeles $4.43; Stockton $2.18; Fresno $2.36 and San Bernardino $2.08. These figures no doubt represent a more or less accurate estimate of the average cost of all cars handled at the particular place and during the period under consideration, but however carefully prepared are at best only approximate.

As recited in the original opinion, there are many places within the State of California where a limited trap car service is now being performed. The main contention of complainants is based upon the fact that the Southern Pacific Company for many years has performed a trap car service at Oakland for a charge of $2.70, regardless of the weight of the freight or the line haul revenue. The same amount, $2.70, is assessed at stations in Arizona, Nevada, New Mexico, Oregon and California in connection with shipments containing one or more articles weighing 5000 pounds or more; for dried fruit in lots of 5000 pounds or over; for wool in lots of 10,000 pounds or over, and at Crockett, Rocklin and Sacramento 29 cents per ton, with a minimum charge of $5.85.

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For purposes of clarity we quote from our original report as follows:

"Carriers rendering less carload service at line-haul rates from private industry tracks apparently are holding out a privilege of special character for which they are entitled to fair compensation, otherwise this less carload service performed for one group of shippers without charge, or at only a nominal charge, becomes a burden upon other traffic. The instant record does not supply any cost figures upon which the Commission could base a reasonable charge for the service. It would appear, however, that for many years where the service has been performed, as outlined in the exhibits set forth in this opinion, the charge in most instances has been $2.70 per car regardless of the weight of the shipments or the number of packages." (26 C. R. C. 168.)

Complainants and interveners have directed attention to the conclusions reached by the Interstate Commerce Commission in Docket No. 1708, *Associated Jobbers of Los Angeles* vs. *Atchison, Topeka and Santa Fe Railway Company et al.*, decided April 5, 1910 (18 I. C. C. 310), having to do with the receiving and delivering of carload freight to and from industry tracks located within carriers' switching limits. We have given very careful consideration to that decided case, and while it contains elements paralleling the instant proceeding, it deals only with movement of carloads and includes no investigation of the less than carload trap car service, a thing entirely different and involving a different operating and handling cost.

In the Trap or Ferry Car Service Charge Interstate Docket No. 545 (34 I. C. C. 516), which proceeding is referred to by complainants and interveners, is found the following:

"If a consignor orders a car placed on his private track, and he there loads it with less-than-carload shipments, and then orders the carrier to transport the car to its local freight or transfer station for rehandling and forwarding of contents, the consignor has used the facilities of the carrier to dray his shipments. The carrier has rendered a service which is special in character and for which it would seem to be entitled to fair compensation, with due regard to the service rendered. The same character of service is rendered when a car is held at a local freight or transfer station and inbound less-than-carload shipments are loaded into it and it is then transported to an industry sidetrack." (547.)

Commissioner Harlan, concurring, uses the following language:

"In my view it is not only the right of a carrier when it performs a 'service special in character' to exact fair 'compensation with due regard to the service rendered,' but it also is its duty to make such a charge. Whenever a special service of value is performed without charge it is as clearly a rebate as would be a secret refund of money, and a rebate in service is as much a violation of the law as a wrongful concession in any other form." (p. 549.)

In numerouse cases the Interstate Commerce Commission has held that where shippers are given an additional service necessary for particular consignments there must be a reasonable charge for that service. This Commission in an early proceeding, decided by Commissioner Eshelman October 14, 1912, severely criticised an arrangement for the absorption of warehouse charges at Stockton and Sacramento. (1 C. R. C. 762.)

The trap car service has many advantages to consignors and consignees in the convenience of disposition of the tonnage and elimina-

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tion of the drayage charges. On the other hand, there are benefits to the carrier of which sight must not be lost, particularly where large shippers employ for outgoing less than carload movement the equipment reaching the industry tracks with carload freight. Carrier also has the benefit of a curtailment of space at its local terminal freight depots and the elimination of vehicular congestion during the peak of the shipping hours. All of these elements must be given consideration.

Upon consideration of the entire record, we reaffirm our previous findings in Case No. 1980 that failure of the defendants to establish less carload switching privileges at San Francisco is prejudicial to the city of San Francisco, and that the granting of free less than car load switching privileges to Grocers Terminal and Ford Terminal within the San Francisco switching limits is prejudicial to other shippers of freight within the same switching limits. To remove this prejudice and discrimination defendants, in Case No. 1980, will be required to establish a trap car less carload service within the San Francisco and Oakland switching limits, subject to a charge of $2.70 per car and to a minimum line haul revenue of $15 per car, and to publish this same adjustment at the other stations as set forth in the communications submitted to the Commission under date June 22, 1925, and as amended June 26, 1925. Defendants are hereby authorized to cancel from tariffs items in conflict with this adjustment.

We are of the opinion that Application No. 11703 of Atchison Topeka and Santa Fe Railway Company, Los Angeles and Salt Lake Railroad Company, Pacific Electric Railway Company, San Diego and Arizona Railway Company, Southern Pacific Company, Western Pacific Railroad Company, by F. W. Gomph, agent, to establish the same rules and charges for trap car service, as authorized by the Commission in Case No. 1980, at stations on applicants' lines, as set forth in the exhibits attached to the application, should be granted. The order will authorize the carriers applicant to publish a trap car less carload service within switching limits of $2.70, subject to a minimum line haul charge of $15, and to cancel items now in tariffs in conflict with this adjustment.

ORDER.

This case and this application having been duly heard and submitted by the parties, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the Southern Pacific Company and Atchison, Topeka and Santa Fe Railway Company be and they are hereby notified and required to establish, on or before March 15, 1926, upon

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notice to this Commission and to the general public by not less than ten (10) days' filing and posting in the manner prescribed in section 14 of the Public Utilities Act, and thereafter to maintain at San Francisco and Oakland, California, a charge of $2.70 per car for trap car service, subject to a minimum line haul revenue of $15 per car, and to cancel items now in tariffs in conflict with this adjustment.

It is hereby further ordered, that the applicants, Atchison, Topeka and Santa Fe Railway Company, Los Angeles and Salt Lake Railroad Company, Pacific Electric Railway Company, San Diego and Arizona Railway Company, Southern Pacific Company, and Western Pacific Railroad Company, by F. W. Gomph, their agent, in Application No. 11703, are hereby authorized to establish a charge of $2.70 for trap car service, subject to a minimum line haul revenue of $15 per car, at stations on applicants' lines as set forth in the exhibits attached to the application, and to cancel items now in tariffs in conflict with this adjustment.

Dated at San Francisco, California, this fifteenth day of February, 1926.

DECISION NO. 15998.

IN THE MATTER OF THE APPLICATION OF ARTHUR W. NICHOLLS FOR AUTHORIZATION TO INCREASE RATES FOR WATER AT DUTCH FLAT, CALIFORNIA.

Application No. 10704.

Decided February 15, 1926.

RATES—WATER UTILITY—TO INCREASE.—Application granted.

Arthur W. Nicholls, for Applicant.
Marshall Z. Lowell, for Protestants.

BY THE COMMISSION.

OPINION ON REHEARING.

On May 14, 1925, this Commission rendered its Decision No. 14922 on the above entitled application establishing therein a revised and increased schedule of water rates to be charged consumers of the public utility water system owned and operated by Arthur W. Nicholls at Dutch Flat, California.

Thereafter the applicant, Arthur W. Nicholls, filed a petition for a rehearing of this proceeding, requesting the Commission to issue a further order granting certain minor modifications and changes in the rate schedule established in Decision No. 14922, to fix a more equitable distribution of the charges, principally for the use of water for irrigation of gardens and to yield a small amount of additional revenue which

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he contended necessary in order to return approximately the annual charges allowed by the Commission in its decision.

This rehearing was granted, and after due notice thereof given to all interested parties a public hearing was held at Dutch Flat on September 29, 1925, before Examiner Satterwhite.

Applicant introduced additional data regarding water use on the system showing the amount and character of garden irrigation use and also setting forth the probable annual revenue which would be realized under the rates as fixed in said Decision No. 14922.

From an analysis of the above data and after a review of the evidence previously submitted in this proceeding, it appears that certain adjustments and modifications of the schedule of rates as heretofore established reasonably and properly should be made. These changes will result in more equitable irrigation charges but will not materially increase the charges to the individual consumers. Accordingly the schedule of rates as set out in the accompanying order has been designed to return approximately the annual charges of the system which the Commission had found to be reasonable and necessary.

ORDER ON REHEARING.

Arthur W. Nicholls having made application for a rehearing of the above entitled proceeding, such rehearing having been granted, a public hearing having been held thereon, the matter having been submitted and the Commission now being fully informed in the premises:

It is hereby ordered, that the order of this Commission in its Decision No. 14922, dated May 14, 1925, rendered in the above entitled proceeding be and the same is hereby modified in the following particulars:

It is hereby ordered, that Arthur W. Nicholls be and he is hereby authorized and directed to file with the Railroad Commission within twenty (20) days from the date of this order the following schedule of rates to be charged for all water delivered to his consumers in Dutch Flat and vicinity, in Placer County, on and after the first day of March, 1926:

Rate Schedule.	*Per month*
1. For residences with no garden use	$1 15
2. For residences with small yard irrigated	1 60
3. For residences with medium yard irrigated	1 85
4. For residences with large yard irrigated (area not over 5000 square feet)	2 10
(Add for area actually irrigated over 5000 square feet, for each 250 square feet)	05
5. For irrigation of garden only, not connected with residence charges in items 2, 3 and 4, payable for six months (May to October, inclusive):	
Small area irrigated	1 75
Medium area irrigated	2 00
Large area irrigated (not over 5000 square feet)	2 25
When area actually irrigated is over 5000 square feet, for each additional 250 square feet	10

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6. Additional in items 1 to 4 inclusive:	
For each flush toilet or bath tub	$0 20
For apartments constructed and utilized in private residences, each	50
7. For ordinary stores and shops, pool rooms, stables or business places	1 50
8. For general store, including refrigerator and ice manufacturing plant	4 00
9. For lodge rooms or public assembly halls with kitchen, toilet, etc.	1 50
10. For swimming pool—payable for six months (May to October inclusive)	2 50
11. Public school	24 00
12. Use of water from hydrants on community owned pipe mains for fire protection purposes and for water trough, by agreement	No charge
13. Use of water delivered directly from ditch:	
For residence use only, including home garden, monthly rate same as items 1 to 4 inclusive.	
For residence and acreage irrigation, per miner's inch per season, May 1st to September 30th continuous flow	40 00
Minimum quantity ¼ miner's inch per season.	

It is hereby further ordered, that Arthur W. Nicholls file with the Railroad Commission within thirty (30) days from the date of this order revised rules and regulations governing service to consumers, said rules and regulations to become effective upon acceptance for filing by the Commission.

It is hereby further ordered, that in all other respects the order and decision of this Commission, Decision No. 14922, rendered herein on the fourteenth day of May, 1925, be and the same is hereby affirmed.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this fifteenth day of February, 1926.

DECISION NO. 16001.

IN THE MATTER OF THE APPLICATION OF GOLDEN GATE FERRY COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF BONDS OF THE AGGREGATE FACE VALUE OF FOUR HUNDRED THOUSAND DOLLARS.

Application No. 12375.

Decided February 15, 1926.

SECURITIES—BONDS—TO ISSUE.—Application having been made by Golden Gate Ferry Company to issue $400,000 of bonds, the Commission authorized the issue of $375,000 of said bonds to pay the cost of a ferryboat.

Devlin and Brookman, by *Douglas Brookman*, for Applicant.

BY THE COMMISSION.

OPINION.

Golden Gate Ferry Company asks permission to issue and sell at not less than 95 per cent of their face value and accrued interest $400,000 of 7 per cent 15-year first mortgage bonds and use the proceeds to pay the cost of acquiring and constructing a new automobile ferryboat.

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Golden Gate Ferry Company has at present no bonds outstanding. It is, however, of record that applicant is taking the necessary legal steps to create an authorized bond issue of $5,000,000 of which the $400,000 is to constitute a part. The company has not filed with the Commission a copy of its proposed mortgage nor a statement showing that said authorized bonded indebtedness has as yet been duly and legally created. The authority herein granted to issue bonds will not become effective until the Commission has authorized the company to execute a mortgage or deed of trust to secure the payment of such bonds nor until the Commission has been furnished with a statement showing that the proper legal procedure has been followed in creating said bond issue.

Golden Gate Ferry Company has an authorized stock issue of $1,000,000, all of which was outstanding on November 30, 1925. As of that date the company reports assets and liabilities as follows:

Assets.

Cash	$63,993 18
Stock—Mt. Tamalpais Ridge Crest Railway	1,000 00
Accounts receivable	4,506 98
Materials and supplies	6,223 58
Property and equipment	1,595,397 09
Deferred assets	204,712 19
Total	$1,875,653 02

Liabilities.

Accounts payable	$127,672 07
Reserve for accrued depreciation	159,012 27
Reserve for federal income tax	40,640 57
Capital stock	1,000,000 00
Surplus	548,328 11
Total	$1,875,653 02

During 1924 the company paid dividends on the outstanding $1,000,000 of stock at the rate of 8 per cent per annum. The record in this proceeding shows that up to November 30th no dividend was paid during 1925. The $548,328.11 of surplus on that date includes surplus earnings for the eleven months of 1925 in the amount of $229,790.80.

The company has entered into agreement looking toward the acquisition and construction of a wooden double-end automobile ferryboat at an estimated cost (Exhibit "G") of $355,135.33 segregated as follows:

Hull	$175,750 00
Engines	83,385 33
Electrical equipment plus freight	51,000 00
Machinery	25,000 00
Extras such as furniture	10,000 00
Interest during construction	10,050 00
Total	$355,135 33

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The boat is to be delivered within 165 days from November 24, 1925, which is the date of the construction contract between applicant and the General Engineering and Drydock Company.

According to the testimony of A. O. Stewart, president of the Golden Gate Ferry Company, an additional boat is needed by applicant in order to take care of the increase in its business between Sausalito and its terminals in San Francisco.

In its original petition applicant asked permission to issue and sell $400,000 of its first mortgage bonds at 90. Under date of January 25th applicant amended its application and now asks that it be permitted to issue and sell such bonds at 95 per cent of their face value and accrued interest. We are of the opinion that the bonds should not be sold for less than 95. To raise $355,135.33 through the sale of bonds at 95 calls for an issue of approximately $375,000. No testimony was submitted to show the necessity for the issue of bonds in excess of the amount required to pay the cost of the boat, to which reference is made in this proceeding. The order herein will therefore authorize the issue of $375,000 of bonds instead of $400,000, as requested by applicant.

ORDER.

Golden Gate Ferry Company having applied to the Railroad Commission for permission to issue $400,000 of bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of $375,000 of bonds is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that the Golden Gate Ferry Company be and it is hereby authorized to issue and sell at not less than 95 per cent of their face value and accrued interest, on or before June 30, 1926, $375,000 face value of its 7 per cent 15-year first mortgage bonds and use the proceeds obtained from the sale of such bonds to pay the cost of the ferryboat described in this proceeding, provided that the authority herein granted to issue such bonds will not become effective until the Commission has authorized applicant to execute a mortgage or deed of trust to secure the payment of the bonds, nor until the Commission has been furnished with a statement showing that said bond issue has been duly and legally created, and Golden Gate Ferry Company has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $375.

It is hereby further ordered, that Golden Gate Ferry Company shall keep such record of the issue and sale of the bonds and of the disposition of the proceeds as will enable it to file on or before the

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twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this fifteenth day of February, 1926.

DECISION NO. 16004.

IN THE MATTER OF THE APPLICATION OF THE HARBOR TUG AND BARGE COMPANY, A CORPORATION, FOR AUTHORITY TO ISSUE STOCK AND APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Application No. 12461.

Decided February 15, 1926.

SECURITIES—STOCK—TO ISSUE.—Application of The Harbor Tug and Barge Company to issue $500,000 of preferred and $100,000 of common stock, granted.

George E. Crothers and *Brobeck, Phleger and Harrison*, by *C. A. Harrison*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application The Harbor Tug and Barge Company, a California corporation, has applied to the Railroad Commission for an order authorizing it to issue $600,000 of stock, divided into $500,000 of preferred and $100,000 of common, and declaring that present and future public convenience and necessity require and will require the operation by applicant of a general launch, barge and towboat business, including the launch, barge and towboat business now owned and operated by American Dredging Company and Henry C. Peterson, Inc., upon the inland waters of this state.

On June 30, 1925, American Dredging Company and Henry C. Peterson, Inc., entered into an agreement to consolidate their launch, barge and towboat businesses by organizing a new corporation (the applicant herein), and transferring to it certain property described in the agreement and referred to herein. It was agreed that American Dredging Company, in exchange for its property, would receive $275,000 of the 7 per cent cumulative preferred stock and $55,000 of the common stock of the new corporation and that Henry C. Peterson, Inc., for its properties, would receive $225,000 of the preferred stock and $45,000 of the common stock, making a total proposed issue for the new corporation of $500,000 of preferred and $100,000 of common stock.

Pursuant to this agreement it appears that applicant was organized under the laws of the State of California on or about January 7, 1926, for the purpose of acquiring and operating the business and properties

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owned and operated by American Dredging Company under the firm name and style of Oakland Launch and Tugboat Company, and Henry C. Peterson, Inc. The application shows that the company, in the general course of business, will hold itself out to engage in the same class of operation now performed by the two companies, namely:

1. A general towage business consisting in towing:

   a. Ships, barges and craft of all description between points within the State of California and elsewhere.

   b. Ocean-going steamships engaged in interstate and foreign commerce to and from docks, wharves, dry docks and points of destination on the arrival of said steamships to and their departure from San Francisco and between points in and about the Bay of San Francisco.

2. The rendition of salvage service of every description.

3. The chartering or rental of launches, barges, towboats and other craft to others.

4. The transportation of goods on barges owned by petitioner and towed by petitioner's tugs:

   a. Between points on the Pacific coast involving in some cases, voyages beyond the three-mile limit and over foreign waters.

   b. From steamships engaged in interstate and foreign commerce, from ships' tackle to bay points and elsewhere, on bills of lading to destinations reached by petitioner.

   c. From bay points engaged in interstate and foreign commerce when the company's shipments will initiate transportation to other states or abroad.

   d. Between points within the State of California.

5. The transportation of passengers to and from ships departing for points abroad and other states, including both passengers thereof and the crews thereof; also the transportation of passengers in coastwise traffic involving voyages on the high seas and beyond the three-mile limit and also between points within this state, but upon no regular route in any case, and only upon special request and by special contract.

6. The transportation of crews of vessels of war of the United States and of other countries and other ships and vessels of the United States Navy and other departments of the government of the United States between such war and other vessels and the shore and, in general, in transportation of property of the government of the United States.

7. The coaling and fueling of ships, particularly those engaged in interstate and foreign commerce and in coaling and fueling vessels of war and other vessels of the United States Government.

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The record shows that applicant proposes to operate under the same schedules of rates now charged by American Dredging Company (Oakland Launch and Tugboat Company), and Henry C. Peterson, Inc.

Applicant reports that all of the equipment now owned by Henry C. Peterson, Inc., and American Dredging Company in connection with their launch and towboat business is in demand and that public convenience and necessity require that all of said equipment and all of the craft owned and operated at present by said consolidated companies should continue to be maintained and operated upon said San Francisco Bay and it desires that the Commission shall, if the same be required by law and to the extent that the law requires the same, issue a certificate declaring that present and future public convenience and necessity require and will require the operation between points exclusively on the inland waters of the State of California of all of the tugs, barges, launches and other craft of said Henry C. Peterson, Inc., and said American Dredging Company upon San Francisco Bay proposed to be transferred to it pursuant to the agreement of consolidation and described in the petition, and any other craft acquired hereafter by it for use in its said launch and towboat business, and the maintenance, operation and development of the present existing launch and towboat business of said Henry C. Peterson, Inc., and said American Dredging Company under the ownership, control and management of applicant; that there is a large and growing demand for the operation of all said craft and the said launch and towboat businesses of said consolidating companies requiring not only the operation of said craft and said businesses by applicant, but the development and enlargement of said business by the construction and acquisition of other equipment, and that applicant should be, so far as the same may be required by law, authorized to maintain and operate between any points within the State of California and all of the navigable waters of the United States located within the boundaries of the State of California, a general launch, tug and towboat business, including all of the operations and services of the nature hereinbefore described.

We find that public convenience and necessity require and will require The Harbor Tug and Barge Company to own, manage, operate and maintain upon San Francisco Bay and in the navigable waters of the United States contiguous thereto a general launch, barge, tug and towboat business, said business in so far as under the jurisdiction of the Railroad Commission, however, to be limited to and between such points as are mentioned in tariffs of said Henry C. Peterson, Inc., and American Dredging Company (Oakland Launch and Tugboat Company).

Applicant will acquire from American Dredging Company thirteen

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launches and ten barges and from Henry C. Peterson, Inc., thirteen launches and seventeen barges, together with moorings and gear, machine shop, tools, furniture and fixtures and miscellaneous equipment. The properties were appraised by Pillsbury and Curtis, Marine Surveyors and Consulting Engineers, who have estimated the present value as of June 1, 1925, at $447,075. In addition thereto the testimony shows that since June 1, 1925, there has been $12,000 spent for improvements and $25,000 for new equipment consisting of one barge, three diesel engines and one tug. In addition there has been incurred in connection with the purchase of this equipment the sum of $40,000 which is being paid out of earnings. Adding these three amounts to the $447,075 results in a total of $524,075 for the properties, exclusive of any allowance for overhead, organization, incorporation or other expenses.

Upon the record herein we are of the opinion that the request of The Harbor Tug and Barge Company for a certificate of public convenience and necessity should be granted as herein provided and that the company should be permitted to issue its stock in the amounts and for the purposes indicated herein.

An order will be entered accordingly.

ORDER.

The Harbor Tug and Barge Company having applied to the Railroad Commission for a certificate of public convenience and necessity and for an order authorizing the issue of stock, a public hearing having been held before Examiner Geary and the Railroad Commission being of the opinion that the application should be granted as herein provided and that the money, property or labor to be procured or paid for by the issue of such stock is reasonably required for the purposes specified herein:

The Railroad Commission hereby declares that present and future public convenience and necessity require and will require The Harbor Tug and Barge Company to own, manage, operate and maintain a general launch, barge, tug and towboat business upon San Francisco Bay and in the navigable waters of the United States contiguous thereto, said business, in so far as under the jurisdiction of the Railroad Commission, however, to be limited to and between such points as are now mentioned in the tariffs of said Henry C. Peterson, Inc., and American Dredging Company (Oakland Launch and Tugboat Company);

It is hereby ordered, that The Harbor Tug and Barge Company be and it is hereby authorized to issue $100,000 of its common stock and $500,000 of its 7 per cent cumulative preferred stock to pay for the properties of American Dredging Company, doing business under the

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firm name and style of Oakland Launch and Tugboat Company, and of Henry C. Peterson, Inc. Said stock may be issued only upon receipt by applicant of a good and valid title to the properties free and clear of all incumbrances, provided that stock may be issued from time to time in proportion to the value of said properties for which applicant can and will through such stock issue obtain a good and valid title free and clear of all incumbrances.

The authority herein granted is subject to the following conditions:

1. American Dredging Company (Oakland Launch and Tugboat Company) and Henry C. Peterson, Inc., shall cancel immediately all schedules of rates at present on file with the Railroad Commission and The Harbor Tug and Barge Company shall file immediately new schedules of rates or adopt as its own the schedules of rates heretofore filed with the Commission by American Dredging Company and Henry C. Peterson, Inc., all such new schedules of rates to be identical with those heretofore filed with the Commission.

2. The authority herein granted to issue stock shall not be urged before this Commission or other court or public body having jurisdiction as a measure of value of the properties to be acquired by The Harbor Tug and Barge Company for the purpose of fixing rates or for any purpose other than this transfer.

3. The Harbor Tug and Barge Company shall keep such record of the issue and delivery of the stock as will enable it to file within thirty (30) days after such issue and delivery a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

4. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this fifteenth day of February, 1926.

Decision No. 16005.

IN THE MATTER OF THE APPLICATION OF FARMERS IRRIGATION COMPANY FOR AN ORDER AUTHORIZING IT TO SELL AND ISSUE SECURITIES AND TO DEVOTE THE SAME TO THE PURCHASE OF PROPERTY AND TO THE PAYMENT OF IMPROVEMENTS OF ITS WATER SYSTEM.

Application No. 12469.

Decided February 15, 1926.

SECURITIES—STOCK—NOTES—TO ISSUE.—Application of Farmers Irrigation Company to issue $43,600 of common stock and $73,011.46 of promissory notes, granted.

Farland and Slosson, by *Leonard Slosson*, for Applicant.

BY THE COMMISSION.

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OPINION.

Farmers Irrigation Company has applied to the Railroad Commission for an order authorizing it to issue $43,600 of common stock and $73,011.46 of promissory notes payable not later than three years after date with interest at not exceeding 7 per cent per annum for the purpose of paying for additional property, of refunding indebtedness and of financing the cost of additions and improvements.

It appears that Farmers Irrigation Company was organized on or about July 23, 1917, with an authorized capital stock of $250,000, divided into 2500 shares of the par value of $100 each, all common. At present $182,200 of stock is outstanding, about 80 per cent of which is owned by the Limoneira Company, a corporation engaged in the development and culture of citrus and walnut groves near Santa Paula. Applicant has no bonds outstanding or other indebtedness except $55,000 of short term notes and miscellaneous current liabilities.

Its assets and liabilities as of September 30, 1925, are reported as follows:

Assets.

Fixed capital	$305,491 56
Cash	2,790 67
Accounts receivable	4,833 72
Prepayments	422 46
Total assets	$313,538 41

Liabilities.

Capital stock	$182,200 00
Notes payable	55,000 00
Accounts payable	320 26
Donations in aid of construction	6,334 26
Reserve for depreciation	18,448 53
Surplus	51,235 36
Total liabilities	$313,538 41

The company is engaged in supplying water for irrigation purposes in and about the city of Santa Paula, Ventura County. It reports that the recent dry years have caused a great increase in the demand for water and that the gravity flow available has diminished to a point where considerable additional pumping was required. To increase its water supply the company reports that it purchased water-bearing lands and drilled and equipped wells. It further reports that in order to provide for a maximum delivery of water and to permit economical and efficient delivery thereof, it has found it necessary to replace certain portions of its pipe lines with larger pipe, to replace a lumber flume near the intake of the system with a concrete line, and to replace an open ditch across the channel of Santa Paula Creek with a reinforced concrete siphon. These additions and improvements were made during 1923, 1924 and 1925 at a total cost of

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$77,545.49, as shown in some detail in Exhibit "E" attached to the application.

The application shows that the expenditures of $77,545.49 were financed in part through the issue of $55,000 of notes and in part through the use of surplus earnings and moneys represented by the reserve for depreciation. The notes were issued for terms of one year and some of them have now matured and are overdue. The company therefore asks permission to issue $55,000 of notes, payable on or before three years after date with interest at not exceeding 7 per cent per annum to refund these notes of like amount now outstanding.

In addition to these notes the company asks permission to issue $18,011.46 of three-year 7 per cent notes and $43,600 of common stock to finance the cost of purchasing certain pipe line and other properties from Limoneira Company. It appears from the application that applicant owns a line extending from the city of Santa Paula westward to a point known as Todd Barranca. In the past it has been serving consumers lying near the barranca but west of it through a privately owned line known as the "Edwards Line." The application shows, however, that applicant will be deprived of the use of this line due to the fact that its proprietor has found it necessary to utilize all of its capacity for his own purposes, and that applicant has been compelled to seek other methods of service for its customers west of the barranca. The pipe line of the Limoneira Company, it is said, will supply this need and will enable applicant not only to serve the present consumers lying in this region, but also to take on additional consumers and sell water to them. The company has therefore made arrangements to purchase such pipe line, and appurtenant properties, at a cost of $61,611.46 which, according to the testimony, was the actual cost to the Limoneira Company.

The properties to be acquired from Limoneira Company include a franchise granted by the county of Ventura by Ordinance No. 221 covering the installation of 24" reinforced concrete pipe on Telegraph road and one granted by Ordinance No. 223 covering the installation of 27" reinforced concrete pipe on Telegraph road and Wells road and a reservoir site of two acres, a 9.6 acre-foot reservoir and approximately 6586 feet of 27" pipe and 8285 feet of 24" pipe. The cost of properties is segregated as follows:

27" reinforced concrete pipe	$12,844 51
24" reinforced concrete pipe	13,670 25
Excavation and filling	10,268 90
Franchises	844 90
Engineering	3,068 49
Reservoir site	7,012 70
Reservoir	13,901 71
Total	$61,611 46

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A further description of the properties is found in Exhibit "B" attached to applicant's petition herein.

It appears, however, that applicant has not received from the Commission an order authorizing it to exercise the rights granted by the franchises referred to above, as required by section 50 of the Public Utilities Act, and that it does not request such an order in this proceeding. The order herein, while granting this application, will provide that applicant shall not make any charges for service given to consumers on the pipe line to be acquired from the Limoneira Company until such time as it has made application for, and received from this Commission, an order authorizing it to exercise the rights and privileges granted by the franchises it will acquire from the Limoneira Company.

ORDER.

Farmers Irrigation Company having applied to the Railroad Commission for permission to issue $43,600 of common stock and $73,011.46 of notes, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the application should be granted as herein provided and that the money, property or labor to be procured or paid for by the issue of the stock and the notes is reasonably required by applicant for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Farmers Irrigation Company be and it is hereby authorized to issue $55,000 of its unsecured promissory notes payable on or before three years after date with interest at not exceeding 7 per cent per annum to refund the outstanding notes of like amount heretofore issued to finance in part the expenditures of $77,545.49 referred to in the foregoing opinion.

It is hereby further ordered, that Farmers Irrigation Company be and it is hereby authorized to issue $18,011.46 of unsecured promissory notes payable on or before three years after date with interest at not exceeding 7 per cent per annum and $29,000 of its common stock and to deliver such notes and stock, together with $14,600 in cash, in payment for the properties of Limoneira Company referred to in the foregoing opinion, which properties it is hereby authorized to acquire.

It is hereby further ordered, that Farmers Irrigation Company be and it is hereby authorized to issue and sell, at not less than par, $14,600 of its common stock and to use the proceeds to make the cash payment of $14,600 due as part of the purchase price of said properties of the Limoneira Company.

The authority herein granted is subject to the following conditions:

1. No charge shall be made by applicant for service given to consumers on the lines to be acquired from the Limoneira Company

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until it has made application for, and has received from this Commission, an order authorizing it to exercise the rights and privileges granted by the franchises which it is herein authorized to acquire from the Limoneira Company.

2. The stock and notes herein authorized to be issued in payment for the properties of the Limoneira Company shall not hereafter be urged before this Commission or other court or public body having jurisdiction as a measure of value of such properties for the purpose of fixing rates or for any other purpose.

3. Farmers Irrigation Company shall keep such record of the stock and notes herein authorized to be issued and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

4. The authority herein granted to issue stock shall become effective upon the date hereof and the authority granted to issue notes shall become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $74. Under such authority no stock or notes may be issued subsequent to December 31, 1926.

Dated at San Francisco, California, this fifteenth day of February, 1926.

DECISION No. 16008.

IN THE MATTER OF THE INVESTIGATION, ON THE COMMISSION'S OWN MOTION, OF THE REASONABLENESS OF THE RATES, REGULATIONS, SCHEDULES AND CONDITIONS OF SERVICE, OR ANY OF THEM, OF THE WAGY RANCH WATER COMPANY, A CORPORATION, OPERATING A WATER SYSTEM IN THE VICINITY OF MARICOPA, KERN COUNTY, CALIFORNIA.

Case No. 2193.

Decided February 15, 1926.

RATES—WATER UTILITY—COMMISSION'S INVESTIGATION.—It is found the rates charged by Wagy Ranch Water Company for water sold to West Side Water Company, its only consumer, are excessive. A rate of $0.0425 a barrel of 42 gallons for water sold to the latter company is established.

E. F. Brittan, for Complainant.
Claflin and Lambert, by *R. B. Lambert*, for Defendant.

BY THE COMMISSION.

OPINION.

This is a proceeding initiated on the Commission's own motion for the purpose of inquiring into the reasonableness of the rates, regulations, schedules and conditions of service of the Wagy Ranch Water Company, a corporation, operating a water system in the vicinity of Maricopa, Kern County.

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The town of Maricopa is supplied with domestic water by the West Side Water Company, owned and operated by J. I. Wagy. The water supply of this system is purchased wholesale under contract from the Wagy Ranch Water Company, defendant herein, a corporation whose entire capital stock is owned by said Wagy. In order that a thorough and comprehensive review might be made of the reasonableness of the rates charged for retail water service to the citizens in Maricopa it was necessary to inquire into the reasonableness of the price paid by the West Side Water Company for its water supply. Accordingly this investigation was instituted by the Commission on its own motion, and a public hearing was held thereon before Examiner Satterwhite at Maricopa after all interested parties had been notified and given an opportunity to appear and be heard. This case was combined for hearing with the complaint of the *City of Maricopa et al.* vs. *West Side Water Company,* Case No. 2156.

The Wagy Ranch Water Company obtains its water supply from springs located in Ventura County approximately eighteen and one-half miles from Maricopa. The land on which these springs are located was formerly owned by Mr. Wagy, who later sold the property, retaining the right to the flow of the springs, excepting the reservation to the purchaser of sufficient water for domestic purposes at the ranch house on the property and for the watering of not to exceed 250 head of cattle.

The Wagy Ranch Water Company is capitalized for $100,000. The entire outstanding stock, amounting to $89,000 is owned by J. I. Wagy, the operator and manager of the system.

In 1910 an agreement was entered into effective as of January 1, 1911, in which the Wagy Ranch Water Company agreed to deliver water for resale purposes to the West Side Water Company at the rate of 10 cents per barrel for 1000 barrels per day or less, and at 9 cents per barrel for all water in excess of 1000 barrels per day. Although this agreement was signed only by J. I. Wagy for the defendant company, water was delivered thereunder for a period of ten years. On January 1, 1922, a new agreement was drawn up, signed only by Wagy Ranch Water Company by J. I. Wagy, president, in which defendant agreed for a period of five years to supply the West Side Water Company with all water necessary for the requirements of its domestic consumers for ten cents per barrel, and for all surplus water over and above said domestic uses which might be sold for commercial purposes at five cents per barrel.

According to the evidence the Wagy Ranch Water Company has only one consumer, the West Side Water Company, owned by Wagy, and has never at any time sold or furnished water to any other consumer.

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There are four springs which supply the Wagy Ranch system yielding an average low flow during the three driest months of the year of about 550 barrels or 1.79 miner's inches per day. During the remaining nine months of the year the springs produce an average of 1000 barrels or 3.25 miner's inches per day. The average daily flow throughout the year, therefore, is approximately 2.89 miner's inches per day of twenty-four hours.

Water is delivered entirely by gravity through a transmission system totaling 24 miles of standard screw pipe varying in size from 2 to 4 inches in diameter.

C. I. Rhodes, consulting engineer for the city of Maricopa, presented an appraisal in conjunction with the complaint of the *City of Maricopa et al.* vs. *West Side Water Company* (Case 2193), which by stipulation of all parties was agreed to be considered as part of the evidence in this matter, in which the original cost of the Wagy Ranch Water Company was estimated to be $49,987, including the water rights in the springs. The replacement annuity computed by the 6 per cent sinking fund method was estimated to be $446.62. In this report $1,855 was set forth as the estimated future maintenance and operation cost of the system.

D. H. Harroun, one of the Commission's hydraulic engineers, presented a report in which the original cost of the physical properties, exclusive of water right value, was found to be $35,079, and the replacement annuity computed by the 5 per cent sinking fund method was given as $715. The report also estimated the sum of $2,577 as a fair and reasonable allowance for the operating and maintenance expenses for the immediate future.

The annual report of this company for the year 1924 filed with the Railroad Commission gives the revenues for 1924 at $14,122 and the operating expenses $7,272, of which $3,200 is for depreciation. The expenses include certain abnormal charges which will not recur annually and also contain items more properly chargeable to capital. The results of operation for the year 1924, using the figures set out in the company's annual report, indicate a net return of 13.8 per cent upon a rate base of $50,000. A substitution of the operating expenses and depreciation estimated by the engineer for the city and the Commission's engineer would produce a considerably greater return.

There has been in the past some question as to the public utility status of the Wagy Ranch Water Company. However, whatever doubt there may have been has now been removed by the company voluntarily submitting to the jurisdiction of the Commission by filing its rates and annual report and further by the testimony in this case of J. I. Wagy,

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who stated that he considered the Wagy Ranch Water Company to be a public utility and under the jurisdiction of the Commission.

From the facts and figures set out above it is apparent that rates charged by this company for water service under the existing agreement with the West Side Water Company produce a return in excess of that warranted by the investment and the reasonable costs of operation, maintenance and depreciation requirements. Accordingly the following order will provide for a reduced schedule of rates which a careful consideration of the evidence shows will produce a fair return upon the property devoted to the public use over and above expenses and depreciation.

ORDER.

The Railroad Commission of the State of California having instituted an investigation upon its own motion into the reasonableness of the rates, regulations, schedules and conditions of service, or any of them, of the Wagy Ranch Water Company, a public hearing having been held thereon, and the matter having been submitted:

It is hereby found as a fact that the rates now charged by the Wagy Ranch Water Company for water supplied to its consumers are unjust and unreasonable in so far as they differ from the rates herein established, and that the rate herein established is a just and reasonable rate to be charged for the service rendered. And basing its order on the foregoing finding of fact and on the further statement of fact contained in the opinion which precedes this order;

It is hereby ordered, by the Railroad Commission of the State of California that the Wagy Ranch Water Company be and it is hereby authorized to file with this Commission within twenty (20) days from the date of this order the following rate to be charged for all service rendered subsequent to March 1, 1926:

Rate.

For all water delivered in wholesale quantities to West Side Water Company, $0.0425 per barrel of 42 gallons.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this fifteenth day of February, 1926.

DECISION NO. 16009.

CITY OF MARICOPA, A MUNICIPAL CORPORATION, L. H. PITMAN ET AL.

vs.

WEST SIDE WATER COMPANY, A CORPORATION.

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Case No. 2156.

Decided February 15, 1926.

RATES—WATER UTILITY—FAIR RETURN.—Finding that present rates charged by West Side Water Company are producing somewhat more than a fair return upon the investment, the Commission reduced meter rates to a fair basis.

E. F. Brittan, for Complainants.
Claffin and Lambert, by *R. B. Lambert*, for Defendant.

BY THE COMMISSION.

OPINION.

This is a case brought by the *City of Maricopa and L. H. Pittman et al.* vs. *The West Side Water Company*, a public utility water company, which furnishes water for domestic and commercial purposes in and in the vicinity of the town of Maricopa, Kern County.

Complainants allege in effect that the water furnished by defendant West Side Water Company is of very poor quality and unfit for drinking purposes; that the springs which furnish the water delivered to consumers are unsanitary and not properly protected against pollution; that the water supply is insufficient for the requirements of the community; that the rates charged for water service are unreasonably high and excessive; and that the Western Water Company, a corporation, serving water as a public utility to consumers in the city of Taft, and in Fellows, Shale and adjacent territory, has pipe lines in the immediate vicinity of Maricopa and is ready and willing and has the facilities to supply water to Maricopa at a cheaper rate than charged by defendant. The Commission therefore is requested to direct defendant to improve service conditions and reduce existing rates or permit the said Western Water Company to serve the community.

By way of answer defendant entered a general denial of the essential allegations in the complaint and alleged that the water supply is ample for the needs of the community served and that the quality is very good and has been approved by the State Board of Health.

A public hearing in this matter was held before Examiner Satterwhite at Maricopa after all interested parties had been duly notified and given an opportunity to be present and be heard.

J. I. Wagy owns and operates the defendant water system under the fictitious name and style of West Side Water Company. The entire water supply is obtained by purchase under contract with the Wagy Ranch Water Company, a corporation, also owned and operated by said J. I. Wagy. This latter company owns and controls the rights to the flow of four springs, located in Ventura County about 18½ miles from Maricopa. The flow of these springs is approximately 550 barrels per day, or 1.79 miner's inches during the three driest months of the year, and 1000 barrels per day or 3.25 miner's inches

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during the remaining nine months, resulting in an average over the year of 2.89 miner's inches per day. Defendant West Side Water Company receives delivery of this water at its tanks in Maricopa from which all distribution is made by gravity.

The distribution system contains approximately 36,344 feet of mains varying from 1 inch to 4 inches in diameter. On September 30, 1925, there were 409 active service connections. The company has a separate fire main system not in any way connected with the domestic plant, the source of supply being from the Klipstein springs, which produce a water not suitable for domestic consumption.

Defendant pays ten cents per barrel to the Wagy Ranch Water Company under a contract for all water received for domestic purposes and five cents per barrel for all surplus over domestic requirements, sold for commercial use.

In order that the Commission might have before it for consideration all matters involving the rates and methods of operation of the defendant company, it caused to be issued upon its own motion an investigation of the affairs of the Wagy Ranch Water Company. This matter was designated Case No. 2193 and heard jointly with the complaint herein by stipulation of all interested parties. However, by reason of the diversity of the matters involved the Commission considered it advisable to render separate decisions in these two cases.

The rates now charged by the West Side Water Company were established by the Railroad Commission in Decision No. 8973, dated May 14, 1921, and are as follows:

Stand Pipe.

From 1 to 25 barrels of water	$0 15	per barrel
From 25 to 50 barrels of water	12½	per barrel
50 barrels and above	10	per barrel

Meters.

From 1 to 50 barrels of water	$0 12½	per barrel
From 50 to 100 barrels of water	10	per barrel
From 100 to 500 barrels of water	09	per barrel
From 500 to 2000 barrels of water	08	per barrel
2000 and above barrels of water	07	per barrel
Minimum charge (16 bbls. or less)	2 00	per barrel

Bottled Water.

Glass bottles and galvanized iron cans, 5 gallons delivered $0 35

Deliveries by tank truck:

Wagon sales, 40c, 50c and 60c per barrel, depending on distance.

A report was presented by C. I. Rhodes, consulting engineer for complainants, in which the original cost of the physical properties of the defendant, West Side Water Company, was estimated to be $38,311, the depreciation annuity computed by the 6 per cent sinking fund method to be $1,096, and the future annual operating expenses

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estimated to be $13,735, based upon the purchased water at the assumed rate of 3½ cents per barrel in lieu of the existing rates of 10 cents and 5 cents per barrel.

D. H. Harroun, one of the Commission's hydraulic engineers, presented a report in which the physical properties were appraised at $38,345 based upon the former rate base as of December 5, 1920, determined by the Commission for this system, with additions and betterments to and including September 30, 1925. The depreciation annuity was found to be $1,083. However, this annuity was based upon the original appraisal which was computed by the sinking fund method at 6 per cent and upon the additions and betterments at 5 per cent. A recomputation of the annuity at 5 per cent amounted to $1,179. In the analysis of the operating expenses the Commission's engineer estimated the normal annual maintenance and operating expenses to be $7,850, exclusive of purchased water, which for the last period of twelve months available amounted to $15,365 at the present contract rate, making a total charge of $23,215. No appraisement of the water properties or estimate of operating expenses was submitted by defendant.

From the foregoing figures it will be seen that approximately 66 per cent of the operating expenses of this water system is directly attributable to the price paid for its water supply to the Wagy Ranch Water Company. As the result of the above mentioned investigation on the Commission's own motion into the reasonableness of this rate charged by the latter company, the former rate of 10 cents per barrel for the domestic water and 5 cents per barrel for all surplus was found excessive and ordered reduced to $0.0425 for all water delivered. (Decision No. 16008 of this Commission, rendered this day in Case No. 2193.) Substituting this reduced rate for purchased water the annual operating and maintenance charges as set out in the report of the Commission's engineer would total $15,160, amounting to a reduction of a little more than one-half of the sum heretofore paid for purchased water.

The annual charges based upon the figures given above will be as follows:

Return at 8 per cent on $38,345	$3,068 00
Depreciation annuity	1,179 00
Maintenance and operation expense	15,160 00
Total	$19,407 00

The revenues of this company have been as follows: 1922, $23,121; 1923, $18,863; 1924, $20,973.

It is apparent that the existing rates of this company when considered in conjunction with the reduced cost of water are now producing somewhat more than a fair net return upon the investment

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and that the consumers are entitled to a reduction in rates. The order in this case will provide for a readjustment in the existing rate schedule which will produce a fair net return to the water company and at the same time lessen the burden upon the consumers.

Although complaint was made against the potability and general quality of the water distributed for domestic and commercial purposes, yet the evidence clearly shows that the water obtained from the Wagy Ranch is not only of very good quality and in no way injurious to health, but is perhaps one of the best water supplies in the entire district so far as quality is concerned. As a matter of fact water taken directly from the mains of this company for years has been bottled and sold in Taft and other places for drinking purposes.

Testimony indicated that at times in the past the springs of the Wagy Ranch Water Company had not been adequately protected against pollution from grazing cattle but at the time of the hearing in this case the former redwood boxes housing the springs had been replaced with concrete structures in compliance with recommendations of the State Board of Health, and it is believed that practically all causes of complaint from this source have already been remedied. However, greater care should be exercised in the future to exclude stray cattle from the immediate proximity to these springs.

Water from the Klipstein springs is highly mineralized, unpalatable, subject to contamination, and has been condemned by the Board of Health as unsafe for human consumption. While the evidence shows that this water several years ago was mixed with the Wagy Ranch supply for delivery in Maricopa, yet this practice was discontinued about three years ago and the Klipstein water has only been used in the fire system, which is not connected in any way with the domestic distribution system.

The territory in and about Maricopa is very dry and arid; a good supply of potable water is necessarily very difficult to obtain. The series of very dry years which has visited this section of the state has seriously menaced the productivity of all underground water supplies in the district. For the protection of the domestic water service during the summer it is recommended that the defendant take steps to obtain a standby or auxiliary service connection from the Western Water Company's mains, which are not far distant from Maricopa. This additional source of water would amply protect the consumers in Maricopa during the period of low flow of the Wagy Ranch springs and would at the same time insure to those consumers an adequate supply of water to which they are rightfully entitled.

Certain complaints involving low water pressures are being remedied by the replacing of small pipe with mains of greater capacity. The

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working pressures throughout the entire system in the near future will be reasonably satisfactory as the result of these improvements.

ORDER.

Complaint having been made to this Commission as entitled above, a public hearing having been held thereon, and the matter having been submitted:

It is hereby found as a fact that the rates now charged by J. I. Wagy, operating under the fictitious name and style of West Side Water Company, for water supplied to his consumers are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the service rendered. And basing its order on the foregoing finding of fact and on the further statement of fact contained in the opinion which precedes this order;

It is hereby ordered, that J. I. Wagy, operating under the fictitious name and style of West Side Water Company, be and he is hereby authorized to file with this Commission within ten (10) days from the date of this order the following rates to be charged for all service rendered on and after March 1, 1926:

Stand Pipe.

From 1 to 25 barrels of water per month	$0 15	per barrel
From 25 to 50 barrels of water per month	12½	per barrel
50 barrels of water and over per month	10	per barrel

Meter Rates.

From 1 to 100 barrels of water per month	$0 08	per barrel
From 100 to 500 barrels of water per month	07	per barrel
Over 500 barrels of water per month	06	per barrel
Minimum charge (25 barrels or less)	2 00	per month
Fire hydrants, per month, each	4 50	

Bottled Water.

Glass bottles and galvanized iron cans, 5 gallons delivered	$0 35

Deliveries by tank truck:
Wagon sales, 40¢, 50¢ and 60¢ per barrel, depending on distance.

It is hereby further ordered, that the West Side Water Company be and it is hereby directed to file with this Commission for its approval, within thirty (30) days from the date of this order, revised rules and regulations to govern its relations with its consumers.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this fifteenth day of February, 1926.

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DECISION No. 16013.

IN THE MATTER OF THE APPLICATION OF PACIFIC ELECTRIC RAILWAY COMPANY, A CORPORATION, FOR AUTHORITY TO CONSTRUCT A SPUR TRACK AT GRADE ACROSS LOS ANGELES STREET, OLIVE STREET, NUBIA STREET, BONITA AVENUE AND DALTON AVENUE, IN THE COUNTY OF LOS ANGELES, CALIFORNIA.

SUPPLEMENTAL AND AMENDED APPLICATION OF PACIFIC ELECTRIC RAILWAY COMPANY, A CORPORATION, FOR AUTHORITY TO CONSTRUCT A SPUR RAILROAD TRACK AT GRADE ACROSS CYPRESS STREET, WALNUT AVENUE, DALTON AVENUE, IN LOS ANGELES COUNTY, CALIFORNIA.

Application No. 11037.

Decided February 17, 1926.

GRADE CROSSING—ELECTRIC RAILROAD—SPUR TRACK.—Application granted.

Frank Karr, for Applicant.
Sanborn, Roehl and Smith, by *H. H. Sanborn*, for Reliance Rock Company, Intervener in behalf of Applicant.
Hugh Gordon, for Union Rock Company and J. E. Newlan, Protestants.
S. Howard Leech, for Improvement Committee of Baldwin Park.
C. H. Banks, for Baldwin Park Chamber of Commerce.
E. K. Albright, Interested Party.
C. F. Culver, for Certain Property Owners.
Hugh R Pomeroy, for Los Angeles County Regional Planning Commission.

BY THE COMMISSION.

OPINION.

The above entitled proceeding, wherein authority is sought to construct a spur track at grade across a number of public highways in an unincorporated portion of Los Angeles County, is brought before the Railroad Commission under section 43 of the Public Utilities Act.

The purpose of the proposed spur track is to afford a connection between applicant's line and the track system of the Reliance Rock Company, located at what is locally known as Kincaid.

Public hearings were held in this matter before Examiner Williams on June 29, 1925, January 8, 1926, and January 14, 1926.

The above entitled application was filed on April 25, 1925, but it developed at the time of hearing of June 29, 1925, applicant had not secured a franchise from the board of supervisors of Los Angeles County to cross the highways involved. The matter was continued, therefore, until applicant had secured such franchise. The date of further hearing was extended from time to time at the request of the applicant.

Applicant, on September 24, 1925, filed an amendment to its original application, which changed the location of the proposed crossing of Los Angeles street and on December 28, 1925, filed its supplemental and amended application, completely changing the route of the proposed spur track and the location of the crossings concerned.

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The track now under consideration involves crossing at grade Cypress street, Walnut avenue (Bonita) and Dalton avenue.

Cypress street terminates on the west at Azusa Canyon road and extends eastward several miles, serving the district to the north of Covina and to the south of Charter Oak. Between Azusa Canyon road and Irwindale avenue, within which distance the proposed crossing is located, Cypress street is 40 feet in width. A traffic count (Applicant's Exhibit No. 2), taken December 29, 1925, shows that a total of 59 vehicles passed along Cypress street in the vicinity of the proposed crossing during the 12-hour period from 6 a.m. to 6 p.m. Between Azusa Canyon road and Irwindale avenue, Cypress street takes the aspect of a local highway. The traffic on this highway is heavier to the east of Irwindale avenue than to the west, due to its connection with Covina boulevard to the south at Irwindale avenue. The view at the proposed crossing is obstructed by orange groves on either side of the road. The map accompanying the application shows that applicant proposes to construct a railroad yard along its line from Cypress street north to Olive avenue extended east a distance of about one-quarter of a mile. It would therefore appear that train movements in the vicinity of Cypress street would be at slow rates of speed, due to the proximity of this proposed yard and to the curved connection to Southern Pacific Company's track at a point 760 feet south of Cypress street. These conditions, taken in conjunction with the indications that the train movements will be infrequent and the vehicular traffic light, tend to show that no special protection should be required for this crossing at the present time.

Walnut avenue (Bonita) is the most important highway artery crossed by the proposed line. Its westerly terminus is now at Main street, which is about a mile west of the proposed crossing, and it extends eastward through San Dimas and La Verne, affording a connection with the highway system serving the San Gabriel Valley.

Applicant's Exhibit No. 2, referred to above, shows that a total of 374 vehicles passed over this highway in the vicinity of the proposed crossing in the 12-hour period observed. Included in these vehicles are two school busses. At the present time Walnut avenue is 50 feet in width. There is, however, a plan under consideration to make it a major highway artery to be known as the Arrow highway. Evidence submitted by the Los Angeles County Regional Planning Commission shows that at this time petitions are being circulated for the acquisition of the necessary rights of way for a new highway 100 feet in width, to carry a pavement 40 feet wide. It is planned that this highway, when completed, will relieve the congested condition on the Foothill boulevard between the Claremont district of San Gabriel Valley and the city of Los Angeles.

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The view at the proposed crossing of Walnut avenue is not seriously impaired at this time. Applicant proposes to protect this crossing with an automatic flagman. While the traffic here is not heavy at this time, conditions indicate that it will materially increase as this district develops. If and when the proposed improvement of Walnut avenue as a major traffic artery is realized, public convenience and necessity may then require that the grades between the highway and railroad, if the latter be constructed, be separated.

Dalton avenue is an unimproved highway. Applicant's Exhibit No. 2, referred to above, shows that seven vehicles passed over this proposed crossing in the total 12-hour period observed. According to the plans of the Los Angeles County Regional Planning Commission, Dalton avenue is to be made a secondary highway artery 80 feet in width. However, there are no plans under consideration for the improvement of this road at the present time. The view at the proposed crossing is not seriously obstructed, and it would seem that if the proposed crossing is constructed no special protective device should be required at this time.

The line of single track railroad proposed in the supplemental and amended application extends from a connection to Southern Pacific Company's Covina branch near the intersection of Azusa Canyon road and Los Angeles street, in the vicinity of the unincorporated town of Baldwin Park, Los Angeles County, north to a connection with the Reliance Rock Company's system of tracks at Kincaid. The total length of this proposed track is a little less than two miles and for the greater portion of the distance is located approximately parallel to and about 660 feet east of Azusa Canyon road. The line proposed in the original application was located approximately parallel to and about 700 feet west of Azusa Canyon road. Pacific Electric Railway Company has secured permission from Southern Pacific Company to operate jointly over that portion of Southern Pacific Company's so-called Covina branch from a point near the intersection of the two companies' lines in Baldwin Park, to the point of beginning of the proposed track near the intersection of Azusa Canyon road and Los Angeles street, referred to above, a distance of a little less than a mile.

The testimony shows the business that may be expected on the proposed track to begin with will not require more than two train movements each way per day, nearly all of which will be deliveries from the Reliance Rock Company's plant. This plant now has a capacity of 750 tons per hour, but the business at the present time does not justify operating the plant at full capacity.

At present the Reliance Rock Company's plant has railroad service through a connection with The Atchison, Topeka and Santa Fe Com-

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pany's line. The evidence shows that at this time approximately 30 per cent of the deliveries from the Rock Company's plant is turned over to Pacific Electric Railway Company for delivery to the consumer. It is evident that the proposed spur track will afford a more direct route of delivery for the greater part of the output of the company's plant than prevails under the present service. Also, the construction of this spur will afford a lesser freight charge for a large percentage of the Reliance Rock Company's shipments, due to the ability to confine shipments to the originating railroad.

The Union Rock Company opposes the granting of this application but did not show that the construction of the several crossings would result in any unusual public hazard. It appears that the Union Rock Company is a business competitor of the industry that this proposed spur is intended to serve. Certain property owners in the vicinity of the proposed spur track contended that the construction of the track would create a hazard and prove detrimental to their property, while on the other hand, certain other interested parties testified that the proposed track would be a benefit to this district.

Civic organizations of Baldwin Park appeared at the first hearing to oppose the original application, which involved not only crossing Los Angeles street but also occupancy of a portion of it. These organizations, however, did not appear at the hearings on the amended application.

The record in this case indicates that it is in the public interest to grant this application and permission to construct the several grade crossings will be granted, subject to certain conditions.

ORDER.

Pacific Electric Railway Company, a corporation, having applied to the Railroad Commission for permission to construct a spur track at grade across certain streets in the unincorporated portion of the county of Los Angeles, public hearings having been held, the matter being under submission and ready for decision;

It is hereby ordered, that permission and authority be and it is hereby granted to Pacific Electric Railway Company to construct its spur track at grade across Cypress street, Walnut avenue and Dalton avenue in the unincorporated portion of the county of Los Angeles, State of California, as shown on maps designated as CE-7340 and CE-7361 attached to the supplemental and amended application herein; said crossings to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by the applicant.

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(2) Said crossings shall be constructed of a width not less than twenty-four (24) feet, at angles of ninety (90) degrees to the railroad, with tops of rails flush with the road surface and with grades of approach not greater than two (2) per cent; shall be constructed equal to or better than type shown as Standard No. 2 in General Order No. 72 of this Commission; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) An automatic flagman shall be installed for the protection of said Walnut avenue crossing, at the sole expense of applicant, said automatic flagman to be of a type and installed in accordance with plans and data approved by this Commission. The maintenance of said flagman shall be borne by applicant.

(5) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) Nothing in this order shall be construed as being an authorization other than to construct a spur track at grade across the thoroughfares herein named and this order is not to be considered as a certificate of public convenience and necessity under the Public Utilities Act of the State of California. Said spur track shall not be used for any other than spur track purposes, unless such a certificate shall first have been obtained from this Commission.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this seventeenth day of February, 1926.

DECISION No. 16017.

IN THE MATTER OF THE APPLICATION OF THE DAVIES WAREHOUSE COMPANY FOR ORDER AUTHORIZING THE ISSUANCE OF FIRST MORTGAGE LEASEHOLD SEVEN PER CENT SINKING FUND GOLD BONDS TO THE FACE VALUE OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS; NOTES PAYABLE ON OR BEFORE FEBRUARY 1, 1928, NOT TO EXCEED A TOTAL OF THIRTY-FIVE THOUSAND DOLLARS; SEVEN PER CENT CUMULATIVE PREFERRED STOCK TO THE FACE VALUE OF FIFTY THOUSAND DOLLARS

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AND COMMON STOCK TO THE FACE VALUE OF THIRTY THOUSAND DOLLARS.

Application No. 10767.

Decided February 19, 1926.

SECURITIES—STOCK—TO ISSUE.—Authority granted Davies Warehouse Company to issue $30,000 of 7 per cent cumulative preferred stock, and $30,000 of its common stock.

BY THE COMMISSION.

THIRD SUPPLEMENTAL ORDER.

Davies Warehouse Company in its request of February 8th asks the Railroad Commission to give further consideration to its application for permission to issue and sell $50,000 of 7 per cent cumulative preferred stock and $30,000 of common stock.

The Commission's Decision No. 14604, dated February 26, 1925, shows that applicant was a creditor of its principal stockholder. In its decision the Commission stated that it will not authorize applicant to issue stock or notes until the amount due from stockholders has been collected. The company now reports that all except $5,928.75 has been collected from its stockholders.

Information on file with the Commission shows that the company has constructed a new warehouse and that in order to finance the construction of such warehouse it became indebted to the Hammond Lumber Company in the sum of $35,000. Such debt is secured by a deed of trust dated September 1, 1925, and due March 1, 1926. The payment of this debt is guaranteed by some of applicants' stockholders. The company asks permission to issue and sell stock at par to pay such indebtedness.

It further asks permission to issue and sell stock at par to refund outstanding bonds and provide itself with working capital. The company has outstanding $175,000 of 7 per cent bonds. The mortgage securing the payment of the bonds requires the company to deposit on February 1, 1926, and on the first day of each month thereafter until all of the bonds have been paid, the sum of $900. The money so deposited must be used by the trustee to redeem bonds at not exceeding 105 and accrued interest.

Applicant reports that Chas. T. B. Jones is its president and that he intends to acquire all of the stock which it will issue and that he will pay par for such stock and make the payments in cash.

The Commission having considered applicant's request and being of the opinion that the money, property or labor to be procured or paid for by applicant through the issue of $30,000 of 7 per cent cumulative preferred stock and $30,000 of common stock is reasonably required by

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applicant and that applicant should be permitted to issue and sell such stock, subject to the provisions of this order;

It is hereby ordered, that Davies Warehouse Company be and it is hereby authorized to issue and sell for cash on or before November 30, 1926, at not less than par $30,000 of its 7 per cent cumulative preferred stock and $30,000 of its common stock and use the proceeds obtained from the sale of such stock to pay the $35,000 due the Hammond Lumber Company, to meet sinking fund payments that may become due and payable during 1926, and to provide itself with working capital.

It is hereby further ordered, that the Davies Warehouse Company shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order; and that the authority herein granted shall not become effective until applicant has collected all amounts due from its stockholders, nor until applicant has filed with the Commission a statement verified by the secretary of Davies Warehouse Company showing that all of said amounts have been collected by said company.

Dated at San Francisco, California this nineteenth day of February, 1926.

DECISION No. 16018.

IN THE MATTER OF THE INVESTIGATION, ON THE COMMISSION'S OWN MOTION, OF THE SAFETY AND NECESSITY OF GRADE CROSSINGS OF SANTA FE AVENUE, AND OF THE TRACKS OF THE LOS ANGELES RAILWAY CORPORATION ACROSS THE TRACKS OF LOS ANGELES AND SALT LAKE RAILROAD COMPANY, AND OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AT BUTTE STREET, IN THE CITY OF LOS ANGELES, STATE OF CALIFORNIA.

Case No. 2061.

Decided February 20, 1926.

GRADE CROSSING—STEAM RAILROAD—SEPARATION OF GRADES.—Reaffirming its previous order for the separation of grades of the tracks of The Atchison, Topeka and Santa Fe Railway, and the Los Angeles and Salt Lake Railroad at their intersection with Santa Fe avenue and the tracks of the Los Angeles Railway at or near the intersection of Santa Fe avenue and Butte street in the city of Los Angeles, the Commission denies a rehearing on the matter.

F. E. Pettit, Jr., for Los Angeles and Salt Lake Railroad Company.
M. W. Reed, for The Atchison, Topeka and Santa Fe Railway Company.
S. M. Haskins, for Los Angeles Railway Corporation.
David R. Faries and *John R. Berryman, Jr.*, for the Automobile Club of Southern California.
Jess E. Stephens, City Attorney, and *Milton Bryan*, Assistant City Attorney, for the City of Los Angeles.

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Frank Karr and *R. A. Wedekind*, for Pacific Electric Railway and Southern Pacific Company.
S. M. Haskins, for the City of Vernon.

BRUNDIGE, *Commissioner*.

OPINION ON ORDER DENYING REHEARING.

Petitions for rehearing in the above entitled matter were filed with this Commission by the Los Angeles and Salt Lake Railroad Company, Los Angeles Railway Corporation and The Atchison, Topeka and Santa Fe Railway Company. The matter was thereafter set for argument for the purpose of determining whether or not a rehearing should be granted. Such argument was presented on January 6, 1926, at 1 p.m. in Los Angeles, after due notice to the interested parties of such hearing.

Counsel for the city of Los Angeles, through witness, Mr. Merrill Butler, bridge engineer for the city, presented evidence to show that plans are under way for the extension of Washington street easterly to a connection with Butte street. Mr. Butler stated, in his opinion, that the most feasible means of handling the extension of Washington street across Santa Fe avenue would place Washington street parallel to and just northerly of the railroad tracks along Butte street, so that the Washington street grade could be separated from the grade of Santa Fe avenue along with the railroad grade crossing separation. He stated that there was no fundamental engineering complications in adapting the plans considered in prior hearings in this matter to the proposed plan. These plans may have a bearing upon the apportionment of cost. Inasmuch as the decision previously made by this Commission does not attempt to apportion the cost of the separation, but directs that the parties prepare plans and attempt to agree on costs, I see no necessity for rehearing in this matter in so far as the opening of Washington street is concerned, as the former order can be revised to require the parties to file plans including Washington street in the proposed work.

Counsel for Los Angeles and Salt Lake Railroad urged that since the inclusion of a roadway for Washington street might be involved, the city of Los Angeles should be made a party to the order of the Commission in this matter. This position appears to be well taken and the prior order of the Commission will be modified so to provide.

After careful consideration of argument of counsel, I am of the opinion that no sufficient reason appears for the granting of a rehearing herein but do recommend the following form of order which will modify the prior decision.

ORDER.

Petitions for rehearing having been filed in the above entitled matter by Los Angeles and Salt Lake Railroad Company, Los Angeles Railway Corporation and The Atchison, Topeka and Santa Fe Railway Com-

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pany, and oral argument having been heard and considered upon said petitions, and there appearing no sufficient reason for the granting of a rehearing herein, but it appearing that a modification of this Commission's prior order in this matter is desirable; now, therefore,

It is hereby ordered, that the order in Decision No. 14755, in the above entitled matter be and the same is hereby vacated and set aside, and that in its place there be substituted the following order:

It is hereby ordered, that Los Angeles Railway Corporation, Los Angeles and Salt Lake Railroad Company, The Atchison, Topeka and Santa Fe Railway Company and city of Los Angeles be and they are hereby directed to eliminate the grade crossing of Santa Fe avenue and of the tracks of the Los Angeles Railway Corporation with the tracks of the Los Angeles and Salt Lake Railroad Company and of The Atchison, Topeka and Santa Fe Railway Company at or near the intersection of Butte street with said Santa Fe avenue in the city of Los Angeles, county of Los Angeles, State of California, by the construction of a subway carrying said Santa Fe avenue and the tracks of the Los Angeles Railway Corporation under the tracks of the Los Angeles and Salt Lake Railroad Company and The Atchison, Topeka and Santa Fe Railway Company and under Washington street, as proposed to be opened north of, parallel and adjacent to the tracks of The Atchison, Topeka and Santa Fe Railway Company, in accordance with plans and specifications to be hereafter approved by this Commission.

It is hereby further ordered, that said Los Angeles and Salt Lake Railroad Company shall prepare plans for said separation of grades and shall submit said plans to The Atchison, Topeka and Santa Fe Railway Company, Los Angeles Railway Corporation, and city of Los Angeles for their approval or disapproval. Within one hundred twenty (120) days from the date hereof, said Los Angeles and Salt Lake Railroad Company shall submit said plans to this Commission, together with the written approval of The Atchison, Topeka and Santa Re Railway Company, Los Angeles Railway Corporation and city of Los Angeles, or in the event that said Atchison, Topeka and Santa Fe Railway Company, Los Angeles Railway Corporation and city of Los Angeles, or any of them, shall fail to approve said plans, the reason given for such failure to approve, shall be stated in writing to the Commission. Upon receipt of said plans, together with a statement of such agreement as to division of cost as the interested parties may reach, this Commission will make its further order in this matter relative to plans and division of cost of construction and maintenance among the interested parties, with or without further public hearing, as may be deemed necessary.

The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and pro-

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tection of said crossing as to it may seem right and proper, and to revoke its order if, in its judgment, the public safety, convenience and necessity demand such action.

It is hereby further ordered, that the petitions of Los Angeles and Salt Lake Railroad Company, Los Angeles Railway Corporation and The Atchison, Topeka and Santa Fe Railway Company, for a rehearing in this matter be and the same are hereby denied.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

For all other purposes the effective date of this order shall be twenty (20) days from and after the making hereof.

Dated at San Francisco, California, this twentieth day of February, 1926.

DECISION No. 16020.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, AND E. H. ROLLINS AND SONS, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING APPLICANT, PACIFIC GAS AND ELECTRIC COMPANY, TO PURCHASE AND ACQUIRE, UPON THE TERMS AND CONDITIONS IN THIS APPLICATION SET FORTH, THE SHARES OF THE CAPITAL STOCK OF THE SACRAMENTO GAS COMPANY, A CORPORATION.

Application No. 12343.

Decided February 20, 1926.

TRANSFER—GAS UTILITY—RATES—TO ADJUST.—Pacific Gas and Electric Company authorized to acquire outstanding stock of Sacramento Gas Company at not exceeding $50 per share, and to place in effect in Sacramento and suburbs rates somewhat lower than present rates on said system; also to place in effect in Lodi and suburbs Schedule G-8, to which shall be added a prepayment meter rate of $2.25 per 1000 cubic feet, monthly minimum charge $1.25.

C. P. Cutten, for Pacific Gas and Electric Company.
N. A. Dodge, for E. H. Rollins and Sons.

DECOTO, *Commissioner*.

OPINION.

Pacific Gas and Electric Company asks permission to acquire the outstanding stock of the Sacramento Gas Company. The Commission is also asked to make an order authorizing Sacramento Gas Company and Pacific Gas and Electric Company to put into effect within ten days after the effective date of the Commission's order herein a schedule for the sale of gas to Sacramento and suburbs similar to that filed as applicant's Exhibit No. 1; also authorizing Sacramento Gas Company to put into effect within ten days after the effective date of the order herein a schedule for the sale of gas to Lodi and suburbs

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similar to Schedule G-8 of the Pacific Gas and Electric Company, to which schedules shall be added a prepayment meter rate of $2.25 per 1000 cubic feet with a monthly minimum charge of $1.25 and further authorizing Sacramento Gas Company to put into effect the rules and regulations of the Pacific Gas and Electric Company for the service of gas in the city of Sacramento and suburbs and in the city of Lodi and suburbs.

The Sacramento Gas Company had outstanding as of November 30, 1925 (applicant's Exhibit No. 2), 8582 shares of stock of the par value of $50 per share ($429,100 par value of stock) and $551,400 of bonds.

Applicants in their Exhibit No. 3 report the assets and liabilities of the Sacramento Gas Company as of November 30, 1925, as follows:

Fixed capital installed prior to 1913:			
Land	$7,319 00		
Natural gas production	224,632 00		
Manufactured gas production	134,939 00		
Distribution	318,034 00		
General	1,648 00		
Total		$686,572 00	
Fixed capital installed since 1912:			
Land	$14,675 00		
Natural gas production	8,947 00		
Manufactured gas production	98,452 00		
Transmission	2,857 00		
Distribution	288,466 00		
General	18,244 00		
Uncompleted	244,128 00		
		675,669 00	
Total fixed capital			$1,362,241 00
Current assets		$76,651 00	
Current liabilities		45,475 00	
			31,176 00
Total assets			$1,393,427 00
Deduct:			
Reserves for maintenance and bad debts		$13,585 00	
Reserve for accrued depreciation		302,415 00	
Funded debt	$551,400 00		
Less unamortized discount	24,896 00		
		526,504 00	
			842,504 00
Balance stock equity			$550,923 00

From the foregoing statement it appears that the current assets of the Sacramento Gas Company are in excess of its current liabilities.

Pacific Gas and Electric Company has entered into an agreement (dated October 23, 1925) with E. H. Rollins and Sons to purchase 8063.35 shares of stock of the Sacramento Gas Company at a cost of $424,467.50, or at an average cost of $52.59 per share. The company

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further agreed to purchase from E. H. Rollins and Sons the remaining 518.65 shares at $50 per share. The testimony of A. F. Hockenbeamer, second vice president and treasurer of the Pacific Gas and Electric Company, shows that since the date of the agreement, E. H. Rollins and Sons have purchased fifty additional shares of the stock of the Sacramento Gas Company which they will deliver to the Pacific Gas and Electric Company. The average price of $52.59 per share for the 8063.35 shares of Sacramento Gas Company includes $20,900 paid to E. H. Rollins and Sons as a commission to acquire at least 80 per cent of the outstanding stock of Sacramento Gas Company. Excluding this commission, the price paid for the Sacramento Gas Company stock was $50 per share. The testimony of A. F. Hockenbeamer is to the effect that the Pacific Gas and Electric Company stands ready to purchase the remaining stock of the Sacramento Gas Company at any time at $50 per share and that it will purchase such stock whether acquired by E. H. Rollins and Sons or whether offered to the company by the owners of the stock.

The Pacific Gas and Electric Company is not at this time assuming the payment of the bonds of the Sacramento Gas Company. It, however, takes the position that it becomes responsible for the bonds and that there may be an eventual consolidation of the properties of the two companies. It is of record that such a consolidation will result in economies and in improvement of the gas service in the city of Sacramento. On December 31, 1924, the Sacramento Gas Company was serving 6565 consumers in the city of Sacramento and 924 in the city of Lodi, whereas the Pacific Gas and Electric Company was serving 17,500 consumers in Sacramento. The furnishing and supplying of gas to the city of Sacramento and its inhabitants by both the Pacific Gas and Electric Company and the Sacramento Gas Company requires the maintenance of two separate working organizations and the duplicate operation and maintenance of, and investment in, generating, transmission, distribution and service facilities. The maintenance of these duplicate facilities and the extension thereof is not in the interest of the public or the present or future users of gas in the city of Sacramento. Neither is it in the interest or benefit of the Sacramento Gas Company or Pacific Gas and Electric Company. The Commission is of the opinion that the only effective means to avoid such duplication is to permit the Pacific Gas and Electric Company to acquire the stock of the Sacramento Gas Company. It occurs to us that because of its more complete organization and greater financial resources the Pacific Gas and Electric Company should operate and maintain the properties of the Sacramento Gas Company more efficiently than such properties have been maintained and operated and to furnish

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adequate, efficient and economical gas service to the entire city of Sacramento and its inhabitants and to the city of Lodi and its inhabitants.

The testimony shows that the Pacific Gas and Electric Company intends to put into effect in Sacramento a rate for all consumers in Sacramento which shall not be higher than the present rate of the Sacramento Gas Company and which is somewhat lower than the present schedule of the Pacific Gas and Electric Company in the city of Sacramento. A schedule of the proposed rates in Sacramento has been filed in this proceeding as applicant's Exhibit No. 1. The proposed rates are as follows:

SCHEDULE G-10.

Character of Service.

Mixed artificial and natural gas for light, heat and power service will be supplied, of a heating value as specified and under conditions provided for in Rules and Regulations filed with the Railroad Commission of the State of California.

Territory.

This rate applies to the following localities: city of Sacramento and suburbs.

Rate.

For consumption of 600 cubic feet or less per meter per month.....75¢

For consumption of 700 cubic feet and over per meter per month:

First	700 cubic feet per meter per month.....	$0 87	
Next	2,300 cubic feet per meter per month.....	1 20	per 1000 cu. ft.
Next	7,000 cubic feet per meter per month.....	1 00	per 1000 cu. ft.
Next	10,000 cubic feet per meter per month.....	80	per 1000 cu. ft.
Next	430,000 cubic feet per meter per month.....	70	per 1000 cu. ft.
All over	450,000 cubic feet per meter per month.....	66	per 1000 cu. ft.

The above rates are subject to increase or decrease on the basis of 2.4 cents per 1000 cubic feet for each 10 cent increase or decrease, respectively, in the cost of oil above or below the price paid for oil effective January 11, 1926, upon approval of the Railroad Commission of the State of California, change to be to the nearest one cent.

Prepayment meter rate.

$1.30 per 1000 cubic feet. Monthly minimum charge $1.25.

The proposed rate schedule has been examined and we find the same to be satisfactory, except that that portion of the schedule reading "The above rates are subject to increase or decrease on the basis of 2.4 cents per 1000 cubic feet for each 10 cent increase or decrease," etc., should be modified so as to read:

The above rates are subject to increase or decrease on the basis of 2.3 cents per 1000 cubic feet for each 10 cent increase or decrease, etc.

The monthly minimum charge under the prepayment meter rate should be reduced from $1.25 to 75 cents.

The proposed rates are lower than those of either Sacramento Gas Company or Pacific Gas and Electric Company.

In Lodi and suburbs Sacramento Gas Company proposes to put into effect a schedule of rates for the rate of gas, similar to Schedule G-8 of Pacific Gas and Electric Company, to which shall be added "a prepayment meter rate of $2.25 per 1000 cubic feet monthly mini-

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mum charge $1.25." The proposed Lodi schedule of rates is lower than the present rate charged by Sacramento Gas Company in Lodi.

I herewith submit the following form of order:

ORDER.

Pacific Gas and Electric Company having applied to the Railroad Commission for permission to acquire the stock of the Sacramento Gas Company, and Sacramento Gas Company and Pacific Gas and Electric Company having asked permission to put into effect a certain schedule of rates for the sale of gas, rules and regulations, a public hearing having been held, and the Commission being of the opinion that the acquisition of the stock of the Sacramento Gas Company by the Pacific Gas and Electric Company is in the interest of the public, and that this application should be granted in so far as it involves the purchase of said stock by Pacific Gas and Electric Company, and hereby finds as a fact that the gas rates applying to the gas service of Pacific Gas and Electric Company and Sacramento Gas Company in the city of Sacramento and suburbs, and the gas service of the Sacramento Gas Company in Lodi and suburbs are unjust and unreasonable so far as they differ from the rates prescribed herein.

Basing its order on the foregoing finding of fact and the findings of fact in the opinion preceding this order;

It is hereby ordered, as follows:

(1) Pacific Gas and Electric Company be and it is hereby authorized to acquire the outstanding stock of the Sacramento Gas Company at a cost of not exceeding $50 per share, plus the $20,900 commissions paid to E. H. Rollins and Sons.

(2) Pacific Gas and Electric Company and Sacramento Gas Company shall charge for gas services rendered in the city of Sacramento and suburbs in accordance with the rates set forth in applicant's Exhibit No. 1, modified as indicated in the foregoing opinion.

(3) Sacramento Gas Company shall charge for gas service rendered in Lodi and suburbs in accordance with Schedule G-8 of Pacific Gas and Electric Company, to which shall be added a prepayment meter rate as follows: $2.25 per 1000 cubic feet. Monthly minimum charge $1.25.

(4) Sacramento Gas Company shall put into effect the rules and regulations of the Pacific Gas and Electric Company for the service of gas in the city of Sacramento and surburbs and in the city of Lodi and suburbs.

(5) Sacramento Gas Company and Pacific Gas and Electric Company shall file with the Commission within ten days after the date hereof the schedule of rates and rules and regulations which they are herein authorized to put into effect.

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(6) The authority herein granted will become effective on the twentieth day after the date hereof.

(7) The consideration being paid by the Pacific Gas and Electric Company for the stock of the Sacramento Gas Company shall never be urged before this Commission as a measure of the value of the properties of the Sacramento Gas Company for any purpose other than the transfer of the stock herein authorized.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twentieth day of February, 1926.

DECISION No. 16022.

IN THE MATTER OF THE APPLICATION OF OXNARD HOME TELEPHONE COMPANY, A CORPORATION, FOR AUTHORITY TO PUT IN EFFECT CERTAIN RATES AND CHARGES.

Application No. 12494.

Decided February 20, 1926.

RATES—TELEPHONE UTILITY—MOVES AND CHANGES.—Oxnard Home Telephone Company authorized to establish Commission's standard charge of $3 for moves or changes of equipment, and to establish a toll charge of 5 cents a call for local calls from public pay stations.

BY THE COMMISSION.

ORDER.

Whereas, Oxnard Home Telephone Company having filed an application with this Commission requesting authority to file and place in effect certain rules and regulations relative to charges for moves and changes of telephone apparatus and to establish a charge of five cents (5¢) for each local message made from public telephone stations throughout the territory served by it; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 13478 (24 C. R. C. 854) dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations; and

Whereas, the rendering of public pay station service will be in the interest of the subscribers of the Oxnard Home Telephone Company and of the public, and it appearing that applicant's request is reasonable and that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Oxnard Home Telephone Company be and it is hereby authorized to file with this Commission, effective as of April 1, 1926, the following rules and regulations:

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1. *Moves and Changes.*

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber will be made by the company, and the charges for such work will be as follows:

A. Telephone sets.

1. Moving from one location to another	$3 00
2. Change in type or style	3 00

C. Other equipment and wiring.

Charges for moving or changing of equipment or wiring, other than that included under A above, will be an amount equal to the actual cost of labor and material involved.

D. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the Telephone Company and required for the proper maintenance of the equipment or service.

E. Change in class of service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478 except as modified in section 1 above, and as may be approved by this Commission.

It is hereby further ordered, that Oxnard Home Telephone Company be and it is hereby authorized to establish throughout the territory served by it public telephone stations as may be necessary to render adequate service to the public and to charge the sum of five cents (5¢) for each local message made from such public telephone stations on and after April 1, 1926.

Provided said rules and regulations and rate be filed with this Commission on or before March 20, 1926.

Dated at San Francisco, California, this twentieth day of February, 1926.

DECISION No. 16028.

IN THE MATTER OF THE APPLICATION OF LOS ANGELES GAS AND ELECTRIC CORPORATION FOR AN ORDER AUTHORIZING THE ISSUANCE AND SALE OF ITS SERIES "I" BONDS IN THE AMOUNT OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS PAR VALUE.

Application No. 12488.

Decided February 24, 1926.

SECURITIES—BONDS—TO ISSUE.—Application granted.

Paul Overton, for Applicant.

BY THE COMMISSION.

OPINION AND ORDER.

Los Angeles Gas and Electric Corporation asks permission to issue and sell at not less than 95 per cent of face value and accrued interest $2,500,000 of its Series "I" general and refunding mortgage 5½ per

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cent bonds due October 1, 1949, and to use the proceeds to redeem in part the outstanding $2,500,000 of Series "A" general and refunding mortgage 7 per cent bonds due March 1, 1926.

The 7 per cent Series "A" bonds were sold by applicant in 1921 at 94½ and accrued interest. It is of record that applicant has agreed to sell the $2,500,000 of 5½ per cent Series "I" bonds at a minimum price of 95 and accrued interest to the Pacific Lighting Corporation. The testimony shows that if the Pacific Lighting Coporation realizes more than 95 and accrued interest from the sale of the bonds, it will pay to applicant the difference between 95 and accrued interest and the amount which it realizes from the sale of the bonds. Applicant reports that it will provide from its surplus earnings the difference between the net proceeds realized from the sale of the Series "I" bonds and the amount required to redeem the Series "A" bonds.

Los Angeles Gas and Electric Corporation having applied to the Railroad Commission for permission to issue and sell bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue, is reasonably required for the purpose specified herein and that the expenditures for such purpose are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Los Angeles Gas and Electric Corporation be and it is hereby authorized to issue and sell at not less than 95 per cent of face value plus accrued interest $2,500,000 of its Series "I" general and refunding mortgage 5½ per cent bonds due October 1, 1949, and to use the proceeds other than accrued interest to pay in part the $2,500,000 of Series "A" 7 per cent general and refunding mortgage bonds now outstanding that mature on March 1, 1926. The accrued interest may be used for general corporate purposes.

The authority herein granted is subject to further conditions as follows:

1. Los Angeles Gas and Electric Corporation shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this twenty-fourth day of February, 1926.

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DECISION NO. 16029.

IN THE MATTER OF THE APPLICATION OF THE CITY OF LOS ANGELES, THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, LOS ANGELES AND SALT LAKE RAILROAD COMPANY, PACIFIC ELECTRIC RAILWAY COMPANY AND LOS ANGELES RAILWAY CORPORATION, TO CONSTRUCT VIADUCTS OVER LOS ANGELES RIVER AND ADJACENT RAILROAD TRACKS.

Application No. 9671.

Decided February 24, 1926.

GRADE CROSSING—STEAM RAILROAD—SEPARATION OF GRADES—VIADUCT.—Construction of Seventh street viaduct over the Los Angeles River, and tracks of The Atchison, Topeka and Santa Fe Railway and of the Los Angeles and Salt Lake Railroad, authorized. Cost apportioned on following basis: city of Los Angeles, 18 per cent; county of Los Angeles, 18 per cent; Los Angeles Railway Corporation, 14 per cent; The Atchison, Topeka and Santa Fe Railway Company, 25 per cent; Los Angeles and Salt Lake Railroad Company, 25 per cent.

Edward T. Bishop, County Counsel, by *Roy Dowds*, Deputy County Counsel, for the County of Los Angeles.
Jess E. Stephens, City Attorney, and *Milton Bryan*, Deputy City Attorney, for the City of Los Angeles.
E. W. Camp, for The Atchison, Topeka and Santa Fe Railway Company.
A. S. Halsted, for Los Angeles and Salt Lake Railroad Company.
Frank Karr, for Pacific Electric Railway Company.
S. M. Haskins, for the Los Angeles Railway Corporation.
C. I. Wheat, Attorney, for the Railroad Commission of California.
Joe Crail, for Joseph Sresovich.
W. G. Kinenmeyer, for Los Angeles Ice and Cold Storage Company.
G. A. Holtz, for Shinn, Holtz and Lyon.
George P. Bush, for Mr. Garland.

SEAVEY, *Commissioner*.

OPINION.

The Seventh street viaduct, which is covered by this opinion and order, is the third of the six viaducts to be built under the joint application of the county of Los Angeles, the city of Los Angeles, The Atchison, Topeka and Santa Fe Railway Company, the Los Angeles and Salt Lake Railroad Company, the Pacific Electric Railway Company and the Los Angeles Railway Corporation. The costs of Ninth street and Macy street viaducts have already been apportioned under this Commission's Decisions No. 13443 and No. 14731, respectively.

Public hearings on the Seventh street viaduct were held in Los Angeles on October 1 and November 9, 1925.

Detailed plans and specifications of the proposed Seventh street viaduct were introduced at the hearing held October 1st by the city of Los Angeles as its Exhibits Nos. 16-A to 16-M, inclusive. These plans appear to be satisfactory to the six applicants in this proceeding and the transportation engineer of the Commission has recommended that they be approved.

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The plans call for a structure 71 feet wide over all with a 56-foot roadway and two 5-foot sidewalks and provision is made in the roadway and structure designs for a double track car line for the Los Angeles Railway Corporation. The viaduct approaches and the spans over the railroads will be of reinforced concrete bent and girder construction. The main river span will consist of a viaduct of a somewhat similar type of construction, superimposed on the present Seventh street bridge. The existing main river spans will be utilized as far as possible, the central portions of the arches being rebuilt and strengthened. The easterly approach begins between Rio and Anderson streets, and the westerly approach begins at the easterly line of Santa Fe avenue. It is planned to open a street parallel to the viaduct between Mission road and Anderson street on the north side of Seventh street from Meyers to Anderson and a similar 50-foot street on the southerly side of Seventh street from the Salt Lake tracks to Rio street. Another street is also proposed along the south side of Seventh street from Santa Fe avenue to the property of the Santa Fe Railway. It has been suggested that Mesquit street be lowered one foot and carried under the viaduct. Under such conditions it will be possible to secure a 9-foot vertical overhead clearance which is 5 feet less than the requirements of this Commission's General Order No. 26-a. However, if the city of Los Angeles finds it desirable to construct this thoroughfare under the viaduct in order to accommodate such local traffic as can be conveniently handled under such an impaired clearance, it would appear proper that it be granted permission to do so, providing signs designating the kind of traffic allowed and the overhead clearance are properly posted on the sides of the viaduct and properly illuminated at night.

An interested property owner, Joseph Sresovich, objected to the viaduct plans submitted in evidence, claiming that his property, which has a frontage of 52 feet on the north side of Seventh street and 225 feet on the east line of Anderson street, would be ruined by the erection of the viaduct as proposed but that the lowering of the viaduct and Salt Lake tracks three feet would not ruin the property. He further claimed that the lowering of the viaduct six feet would save the city and all parties thousands of dollars. Merrill Butler, bridge engineer of the city of Los Angeles, testified that this property would not be ruined but that Anderson street would be raised to meet the viaduct and that the street rearrangements hereinbefore mentioned were designed to effect the minimum of property cost in connection with the viaduct and that the cost of the viaduct itself was merely one item of several in the total cost of separating the grades at this location.

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The Seventh street viaduct itself is only one part of the larger plan of separating the grades at Ninth, Seventh, Fourth, First, Aliso and Macy streets. The whole scheme of separating the grade at the several viaducts has been thoroughly investigated and covered by the engineering department of the Commission in its report on "Railroad Grade Crossings and Terminal Investigation in Los Angeles," known as the "Sachse report." In that investigation the most economical and suitable general plan of separating these grades was determined and it appears that the plans introduced by the city of Los Angeles for viaducts at Ninth, Macy and Seventh streets are substantially in accordance with this general plan.

When, as in this instance, in the consummation of a comprehensive project, the individual opinions of interested property owners are opposed to the carefully considered opinion of well qualified engineers, who have based their conclusions upon thorough study, there can be little question as to which testimony should be given the greater weight. The plan recommended by the city's engineer, the engineers of the other applicants, as well as by the Commission's engineers, should therefore be approved.

It will be necessary, during the construction of the viaduct at Seventh street, for the Los Angeles Railway Corporation to reroute its lines of cars now using the existing bridge. It is the judgment of the management of the street railway company that a walking transfer of passengers is not desirable because of the large volume of travel. This conclusion appears sound. Two routes are available over which to reroute the Seventh street line, namely: (1) by the Fourth street viaduct and (2) the new Ninth street viaduct, estimated by the Los Angeles Railway to cost $94,412 and $189,149, respectively, and estimated by the Commission's engineers to cost $33,700 and $97,690, respectively. The estimates of $94,412 and $189,149 of the Los Angeles Railway Corporation include the sums of $68,044 and $36,900, respectively, for extra cost of operation via the two temporary routes. No allowance for these items is included in the estimates of the Commission's engineers.

Considerable testimony was introduced to show that the Ninth street route would be a more convenient and possibly a somewhat more dependable route than Fourth street. I am not convinced that there is a difference between these routes that should be considered controlling for temporary operation and the more economical plan should be given preference. However, there certainly can be no objection to the Los Angeles Railway, if it so chooses, using the Ninth street route, provided that only the reasonably necessary cost of making available the cheaper route should be considered as a part of grade

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separation cost to be apportioned among the several interested parties.

Estimates of the cost of constructing this grade separation made by the interested parties and by the engineers of the Commission compare as follows:

Item	*Estimate by*	*Interested parties*	*C. R. C. Eng. Dept.*
Cost of viaduct.	City of Los Angeles	$493,761 00	$503,029 00
Property damage.	City of Los Angeles	491,650 00	* 491,650 00
Santa Fe track changes.	Santa Fe	234,120 00	177,443 00
Salt Lake track changes.	Salt Lake	197,500 00	210,084 00
Los Angeles Railway work.	L. A. Ry. Corp.	** 151,647 00	** 68,728 00
		$1,568,678 00	$1,450,934 00

* City's estimate of property damage used by C. R. C. engineering department without check.

** Based on rerouting via Fourth street.

The Salt Lake estimate of track changes does not include future work of establishing permanent grade between the Seventh and Fourth street viaducts, which is chargeable to Seventh street, whereas the engineering department estimate does. The Los Angeles Railway Corporation estimate includes $14,605 for removing and replacing transmission line adjacent to the Seventh street viaduct and $68,044 for extra cost of operation via detour route during construction, which are not included in the estimate of the Commission's engineering department. The Santa Fe in its track changes estimates a much heavier concrete retaining wall than the Commission's staff considers necessary and includes a new track scale installation not deemed a proper and necessary item in the cost of the viaduct by the engineering department of the Commission.

The Santa Fe (Exhibit No. 9) estimates the cost of removing the scale house and track and the cost of constructing a new scale, scale house and track at $9,500. The Commission's engineers (C. R. C. Exhibit No. 4) estimate the cost of moving the existing scale, scale house, track and installing a new pit at $3,100. It does not appear equitable to include the cost of a new scale, scale house and track, therefore the sum of $3,100 will be considered a proper amount to charge to this item, to be included in the costs to be apportioned among the several applicants for this grade separation, in the event the Santa Fe elects to construct a new scale. For the purpose of the present decision, the estimated cost of $1,450,934 will be used.

The apportionment of cost between the parties will now be considered. In this instance, as in the case of the Ninth and Macy street viaducts, all of the applicants, except the Los Angeles Railway Corporation, propose that the costs be divided equally between the interested parties, but as the Commission in the Macy street decision has already set forth its opinion as to its duty where there is an absence of com-

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plete agreement among the applicants, it does not seem necessary to discuss that subject further.

The Commission's transportation engineer, Mr. A. G. Mott, made an analysis of three bases apportioning the cost along the same lines as those made by him on the Macy street viaduct, but the analysis recognizes one fundamental difference between the grade separation now being considered and the two viaducts previously decided. This fundamental difference is that in the case of Seventh street an adequate bridge already exists across the river and the problem is therefore purely one of grade separation. At neither Ninth street nor Macy street was the existing river bridges adequate for the street traffic. This essential difference in the construction problem in this instance, it was pointed out, suggests a fourth basis or theory, under which the cost would be divided equally between the surface users and the subsurface users.

If the amount to be paid by the surface users, under this theory, were divided in the same ratio as those assessed to each of the surface users in the Macy street viaduct, the percentages of the total cost that would be borne by each of the surface users would be:

City of Los Angeles---------- 18%
County of Los Angeles---------- 18%
Los Angeles Railway Corporation---------- 14%

The amounts and percentages under each of these four bases are shown in summary form in the following table:

	Basis 1		*Basis 2*	
Party	*Amount*	*Per cent*	*Amount*	*Per cent*
City of Los Angeles	$290,187 00	20.00	$336,081 00	23.16
County of Los Angeles	290,187 00	20.00	336,081 00	23.17
Los Angeles Ry. Corp.	290,186 00	20.00	106,609 00	7.35
The A., T. & S. F. Ry. Co.	290,187 00	20.00	340,444 00	23.46
L. A. & S. L. Railroad	290,187 00	20.00	331,719 00	22.86
Total	$1,450,934 00	100.00	$1,450,934 00	100.00

	Basis 3		*Basis 4*	
Party	*Amount*	*Per cent*	*Amount*	*Per cent*
City of Los Angeles	$288,742 00	19.90	$261,168 00	18.00
County of Los Angeles	288,743 00	19.90	261,168 00	18.00
Los Angeles Ry. Corp.	201,286 00	13.87	203,131 00	14.00
The A., T. & S. F. Ry. Co.	340,444 00	23.47	362,733 00	25.00
L. A. & S. L. Railroad	331,719 00	22.86	362,734 00	25.00
Total	$1,450,934 00	100.00	$1,450,934 00	100.00

All things considered, it appears that basis four (4) is a just and reasonable manner in which to apportion the costs of the viaduct in this instance among the various interested parties.

The interested parties have agreed that the line of demarcation of the track work to be charged to this viaduct shall lie half way between

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Seventh street and Fourth street and half way between Seventh street and Ninth street.

As in the case of the Macy street viaduct, the cost to be apportioned between the several parties should include only those incurred in necessary construction work, such as viaduct structural work, track depression and rearrangement and costs incurred on account of damage to property. Any expense incurred due to temporary inconvenience of operation by any of the parties during construction, or any values due to remaining normal life of facilities retired that may be lost to any of the interested parties should be borne by the party incurring them, and not included in the cost of the work to be apportioned as above indicated. The cost of removing and replacing the Los Angeles Railway Corporation power line adjacent to the existing Seventh street bridge, the cost of the new track in Ninth street in excess of $35,000 and the cost of a duplicate track scale for The Atchison, Topeka and Santa Fe Railway Company in excess of $3,100 should, in my opinion, not be included among the items chargeable to this viaduct.

The following form of order is recommended:

FOURTH SUPPLEMENTAL ORDER.

The above entitled proceeding has been submitted in so far as the Seventh street viaduct is concerned and is now ready for decision.

It is hereby found as a fact that public convenience and necessity require the construction of a viaduct to carry Seventh street above and across the tracks of The Atchison, Topeka and Santa Fe Railway Company, the tracks of the Los Angeles and Salt Lake Railroad Company in the city of Los Angeles, county of Los Angeles, State of California; therefore,

It is hereby ordered, that the city of Los Angeles, county of Los Angeles, The Atchison, Topeka and Santa Fe Railway Company, Los Angeles and Salt Lake Railroad Company and the Los Angeles Railway Corporation, joint applicants herein, be and they are hereby authorized to construct Seventh street above and across the tracks of The Atchison, Topeka and Santa Fe Railway Company, and the tracks of the Los Angeles and Salt Lake Railroad Company, in accordance with specifications and plans shown in city of Los Angeles Exhibits 16-A to 16-M, inclusive, filed on October 1, 1925, and that said plans and specifications for the entire viaduct are hereby approved.

It is hereby further ordered, that the costs of said separation of grades and of the construction of said viaduct at Seventh street, including the cost of changes in tracks and yards of the railroads upon the east and west banks of the Los Angeles River, as may be allocated

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to this particular viaduct, by further order or orders herein, be and the same shall be paid as follows:

Eighteen per cent	(18%)	By the city of Los Angeles.
Eighteen per cent	(18%)	By the county of Los Angeles.
Fourteen per cent	(14%)	By the Los Angeles Railway Corporation.
Twenty-five per cent	(25%)	By The Atchison, Topeka and Santa Fe Railway Company.
Twenty-five per cent	(25%)	By the Los Angeles and Salt Lake Railroad Company.

provided, however, that the costs so allocated shall not include the costs of the following items:

(1) Operating costs, due to temporary inconvenience of operation caused by the construction of this grade separation.

(2) Removal and replacement of high tension lines of Los Angeles Railway Corporation and of the Bureau of Power and Light of the city of Los Angeles, adjacent to the existing Seventh street bridge.

(3) The cost of duplicate track scales for The Atchison, Topeka and Santa Fe Railway Company, in excess of $3,100, the estimate cost of moving existing scales.

(4) The cost of providing a detour route for the Los Angeles Railway Corporation via Ninth street and Boyle avenue to the extent that such detour route shall cost more than $35,000, the estimated cost of providing a detour route via Fourth street.

It is hereby further ordered, that this order be and it is subject to the following conditions:

(1) The line of demarkation of the track work to be charged to the Seventh street viaduct on both sides of the river, shall, for that portion between Fourth street and Seventh street, be placed at a point half way between the two viaducts, and the track work between Ninth street and Seventh street shall be divided in like manner.

(2) Clearances in this grade separation shall conform to this Commission's General Order No. 26-a, except as to the overhead clearance of Mesquit street, where a nine-foot overhead clearance may be established, provided the city of Los Angeles post signs on each side of the viaduct, warning of such overhead clearance and designating the kind of traffic allowed, and provided further, that such signs be illuminated at night.

(3) Applicants shall cause to be filed with the Commission monthly reports of progress with costs during the period of construction, such reports to contain such information and data as may be required by the Commission.

(4) The Commission reserves the right to make such further orders as to it may seem right and proper and to revoke its permission if in its judgment public convenience and necessity demand such action.

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The effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-fourth day of February, 1926.

DECISION NO. 16031.

COLONEL C. KENNEY ET AL.

vs.

SOUTH PARK WATER COMPANY

Case No. 2168.

Decided March 2, 1926.

RATES—WATER UTILITY—REASONABLE RETURN.—It is found the rates complained of are not unreasonable, and the utility is not making an excessive net return. Complaint dismissed.

Thomas H. Cox and *Colonel C. Kenney*, for Complainants.
Hugh Gordon, for Defendant.

BY THE COMMISSION.

OPINION.

This is a case brought by Colonel C. Kenney and twenty-five other consumers versus the South Park Water Company, a public utility water company which furnishes water for domestic purposes in the city of Los Angeles, Los Angeles County.

The complaint alleges in effect that the schedule of rates now charged by defendant company for water service as established by the Commission is unjust and exorbitant and higher than necessary to enable defendant to obtain a reasonable return upon its investment; that the consumers are forced to pay such a high and unreasonable rate for water that they can not afford to use enough water for their household purposes or grow and maintain lawns and gardens. Wherefore the Railroad Commission is requested to issue its order declaring the existing schedule of rates to be unreasonable, unjust and exorbitant and to establish as proper charges for the service rendered by this company the following schedule of rates:

3000 cubic feet or less	$0 07 per hundred cubic feet
Over 3000 cubic feet	05 per hundred cubic feet
Minimum bill	75 per hundred cubic feet

Defendant by way of answer enters a general denial to all essential matters complained of and requests the Commission to dismiss the complaint.

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A public hearing in the above entitled proceeding was held before Examiner Williams in Los Angeles after all interested parties had been notified and given an opportunity to appear and be heard.

The South Park Water Company serves water for domestic purposes to a tract of subdivided property known as South Park Gardens located about eight miles south of the business section of Los Angeles and outside the corporate limits of said city. This system has 1519 metered service connections and obtains its supply from one well. Water is pumped into storage tanks and distributed to the consumers by gravity.

Since the filing of this complaint the Commission, on November 14, 1925, in its Decision No. 15641, approved the consolidation of this system with the Morgan water plant, which operates as a public utility serving water in adjoining territory. These consolidated systems now operate under the name of South Park Water Company, a corporation. The water supply of the Morgan plant is obtained from three wells. There are now 1174 service connections on this system, none of which is metered.

The rates now charged on the South Park system were established by the Commission in Decision No. 14078, rendered September 17, 1924, and are in part as follows:

Monthly Meter Rates.

From 0 to 1000 cubic feet, per 100 cubic feet	$0 25
From 1000 to 3000 cubic feet, per 100 cubic feet	15
Over 3000 cubic feet, per 100 cubic feet	12
Monthly minimum payment for ¾" meter	1 25

Etc.

Defendant submitted the sum of $205,423 as its estimate of the original cost of the consolidated systems after deducting an item of $5,928 for fire hydrants which were not the property of the company, and estimated the future operating costs exclusive of depreciation to be $29,970.

D. H. Harroun, one of the Commission's engineers, submitted an appraisal based upon findings of value by the Commission in the rate proceedings involving this property, to which additions and betterments to plant made subsequent thereto were added. The estimated original cost was found to be $204,874 as of January 1, 1926, and the depreciation annuity was given as $5,650, computed by the sinking fund method at 5 per cent. In his report the Commission's engineer recommended the sum of $23,595 as a reasonable allowance for the operating and maintenance expenses for the immediate future. No figures on costs of operation and maintenance or appraisement of the physical properties were presented by complainants.

The total revenues of these properties for the year 1925 were $42,837. The operations for 1925, based upon the operating expenses submitted by the defendant, resulted in a net return of approximately

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3.5 per cent upon a rate base of $204,874, while a net return on the same rate base of slightly less than 6.2 per cent resulted by using the operating expenses estimated by the Commission's engineer. The evidence shows that the communities served by defendant have experienced a considerable growth during 1924, falling off somewhat during 1925. However, the facts at this time do not warrant the assumption that there will be such radical changes in the local conditions in the near future as will greatly alter the operations of this company.

The rates of 7 cents per 100 cubic feet for the first 3000 cubic feet and 5 cents per 100 cubic feet for all in excess thereof, with a monthly minimum payment of 75 cents, which were requested by complainants, are conclusively shown by the evidence to be entirely inadequate.

A careful consideration of the evidence indicates that based upon the lowest figures submitted and therefore the least favorable to the company, the defendant is not making an unreasonable net return upon its investment, and it appears, therefore, that the rates under which it is now operating are not unfair and unjust charges for the service rendered. Under these circumstances, therefore, the complaint must be dismissed.

ORDER.

Complaint having been made to this Commission as entitled above, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed thereon;

It is hereby ordered, for the reasons set out in the opinion which precedes this order, that the above entitled complaint be and the same is hereby dismissed.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this second day of March, 1926.

DECISION No. 16032.

IN THE MATTER OF THE APPLICATION OF ROSEVILLE TELEPHONE COMPANY AND THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY FOR AN ORDER AUTHORIZING THE FORMER TO TAKE OVER CERTAIN TERRITORY AND TO RENDER TELEPHONE SERVICE THEREIN, THE LATTER TO WITHDRAW FROM TERRITORY AND CEASE ITS OPERATIONS IN THE RENDERING OF TELEPHONE SERVICE THEREIN.

Application No. 11989.

Decided March 2, 1926.

ABANDONMENT—TELEPHONE UTILITY—EXCHANGE AREA.—The Pacific Telephone and Telegraph Company authorized to withdraw service from certain portions of Antelope, Sacramento, Fairoaks and Folsom exchange areas, and the Roseville Telephone Company authorized to furnish exchange service therein.

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W. Hancock, for Roseville Telephone Company.
James G. Marshall, for The Pacific Telephone and Telegraph Company.

BY THE COMMISSION.

OPINION.

This is a proceeding involving a joint application of the Roseville Telephone Company and The Pacific Telephone and Telegraph Company, in which the former, in the original application, requests permission to furnish telephone service in a portion of the Antelope exchange area and certain portions of the Sacramento, Fairoaks and Folsom exchange areas of The Pacific Telephone and Telegraph Company, and the latter to abandon telephone service in a portion of its Antelope exchange area and in those small portions of its Sacramento, Fairoaks and Folsom exchange areas to be served by the Roseville Telephone Company, and to transfer a portion of its Antelope exchange area to its Rio Linda exchange area.

In the hearing in this proceeding applicants amended their original application and requested that the Roseville Telephone Company be granted permission to furnish telephone service in a portion of the Antelope exchange area and certain portions of the Rio Linda, Fairoaks and Folsom exchange areas of The Pacific Telephone and Telegraph Company, and The Pacific Telephone and Telegraph Company to abandon telephone service in a portion of its Antelope exchange area and in those portions of its Rio Linda, Fairoaks and Folsom exchange areas to be served by the Roseville Telephone Company, and to transfer a portion of its Antelope exchange area to its Rio Linda exchange area.

A hearing in this matter was held before Examiner Satterwhite in the town of Roseville on February 15, 1926, at which time and place the matter was submitted.

At the present time, the Roseville Telephone Company operates an exchange in Roseville and serves that town and vicinity. On January 1, 1926, there were approximately one thousand (1000) subscribers receiving telephone service within the Roseville telephone exchange area. The Pacific Telephone and Telegraph Company operates a small central office in the town of Antelope, serving some thirty-five (35) subscribers with farmer line service in Antelope and vicinity. The Pacific Company maintains exchanges and furnishes telephone service in the towns of Rio Linda, Fairoaks and Folsom.

The question of abandoning the present service in Antelope and the serving of this town and surrounding territory from Roseville has been before this Commission informally and was brought to the attention of this Commission by the Antelope subscribers requesting that the Commission authorize the Pacific Company to abandon its Antelope exchange and that they be allowed to connect their lines to the Roseville central office. All of the present Antelope subscribers are receiv-

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ing farmer line service in which the subscribers own and maintain their own lines. If direct Roseville service may be obtained, these subscribers are willing to extend their lines to the primary rate area of the Roseville exchange, at which point they will connect to lines of the Roseville Telephone Company.

The rates for Roseville farmer line service are $4.20 per year for residence subscribers and $8.40 per year for business subscribers. The present Antelope rates for this type of service are $3 and $6 per year for residence and business subscribers respectively. Roseville service will better meet these subscribers' needs primarily on account of the longer hours of service.

Applicants have requested that a small portion of the Rio Linda, Fairoaks and Folsom areas be added to the Roseville territory to be served by the Roseville Telephone Company, and that a portion of the Antelope territory be transferred to the Rio Linda exchange area of The Pacific Telephone and Telegraph Company. There appears to be no reason why these changes should not be made. These sections are shown in Exhibit "A" attached hereto.

It appears that the granting of applicants' request will be in the interest of the telephone subscribers of Antelope and also Roseville and therefore we are of the opinion that the applicants' request should be granted.

ORDER.

The Roseville Telephone Company and The Pacific Telephone and Telegraph Company having jointly made an application to this Commission for an order authorizing the former to furnish telephone service in the Antelope exchange area of The Pacific Telephone and Telegraph Company, except in that portion to be included in the Rio Linda exchange area, and to furnish telephone service in certain sections of the Rio Linda, Fairoaks and Folsom exchange areas of The Pacific Telephone and Telegraph Company, and the latter to abandon telephone service within its Antelope exchange area, except in that portion to be served from its Rio Linda exchange, and to abandon telephone service in certain sections of its Rio Linda, Fairoaks and Folsom exchange areas, a public hearing having been held and the matter having been submitted and now ready for decision:

The Railroad Commission of the State of California hereby finds as a fact that the Roseville Telephone Company should furnish exchange telephone service in a portion of the Antelope exchange area and in certain sections of the Rio Linda, Fairoaks and Folsom exchange areas as shown in Exhibit "A" attached hereto and that The Pacific Telephone and Telegraph Company should abandon its Antelope

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exchange and cease to furnish exchange service therein except in that portion to be included in its Rio Linda exchange area, and further to abandon and cease exchange telephone service in those certain portions of its Rio Linda, Fairoaks and Folsom exchange areas as shown in Exhibit "A" attached hereto.

Basing its order on the foregoing findings of fact and on such other findings and statements of fact as are set forth in the opinion preceding this order;

It is hereby ordered, that the Roseville Telephone Company shall

(1) Accept on and after March 15, 1926, applications for Roseville exchange telephone service to be furnished within that territory herein added to its present exchange area as shown in Exhibit "A" attached hereto.

(2) Furnish not later than August 1, 1926, Roseville exchange telephone service in that territory herein added to its present exchange area as shown in Exhibit "A" attached hereto under rates, rules and regulations now in effect in the Roseville exchange area.

(3) File with the Railroad Commission on or before March 31, 1926, a map of its Roseville exchange area as shown in Exhibit "A" attached hereto.

(4) Submit to the Railroad Commission not later than the tenth day of each month a progress report of operations of the preceding month resulting from the order of sections (1) and (2) above, until further advised by this Commission.

It is hereby further ordered, that The Pacific Telephone and Telegraph Company shall

(5) Abandon telephone service in its Antelope exchange area, except in that portion to be included in its Rio Linda exchange area, and abandon telephone service in certain sections of its Rio Linda, Fairoaks and Folsom exchange areas as shown in Exhibit "A" attached hereto when and as of the date Roseville exchange telephone service is furnished within this said territory.

(6) File with this Commission on or before March 31, 1926, a map showing exchange boundaries of its Rio Linda, Fairoaks and Folsom exchange areas to include the changes herein set forth in Exhibit "A" attached hereto.

(7) Advise this Commission within five (5) days subsequent to the time telephone service is abandoned by it in territory shown in Exhibit "A" attached hereto.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this second day of March, 1926.

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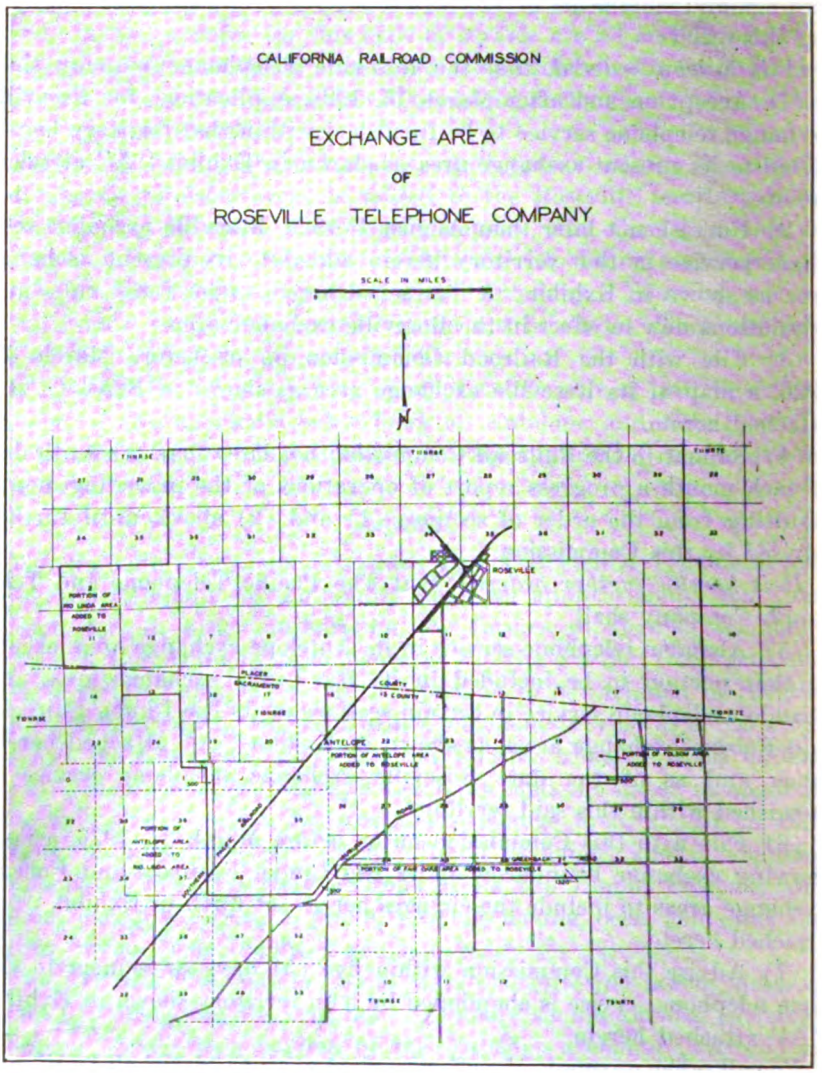
EXHIBIT "A."



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DECISION No. 16033.

IN THE MATTER OF THE APPLICATION OF CALIFORNIA TRANSIT COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUANCE OF CAPITAL STOCK.

Application No. 11996.

Decided March 2, 1926.

SECURITIES—STOCK—TO ISSUE.—California Transit Company authorized to issue and sell $444,000 of capital stock.

Earl A. Bagby, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled matter the Railroad Commission is asked to make an order authorizing California Transit Company—

1. To issue at par 2210 shares ($221,000 par value) of its capital stock in payment for the properties of Valley Transit Company;

2. To issue and sell at par for cash 130 shares ($13,000 par value) of its capital stock in reimbursement of expenditures made in the acquisition of the operative rights and properties of Valley Transit Company; and

3. To issue and sell at par for cash 2100 shares ($210,000 par value) of its capital stock during the year 1926 for the purpose of purchasing new equipment during 1926.

The petition shows that applicant was organized on or about October 25, 1919, under the name of Star Auto Stage Company, but that thereafter, under authority granted by the superior court in and for the county of San Joaquin by an order made and entered on April 18, 1921, the name of the corporation was changed to California Transit Company. When originally organized the company had an authorized capital stock of 5000 shares of the aggregate par value of $500,000, which amount, however, has been increased from time to time until now the authorized capital stock consists of 20,000 shares of the aggregate par value of $2,000,000, all shares being common. Stock in the amount of $561,600 is now outstanding and this proceeding involves the issue of an additional $444,000, so that at the conclusion of the proposed financing, $1,005,600 of stock will have been issued.

Of the $444,000 of stock proposed to be issued, $221,000 will be delivered at par in payment for the properties of Valley Transit Company now operated by California Transit Company under the terms of a lease and conditional contract of sale, dated February 16, 1925, between the two companies. The execution of the agreement was authorized by the Commission in a former proceeding and Valley Transit Company was authorized to sell and transfer its operative rights

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and properties to applicant pursuant to the terms and conditions of such agreement. For a description of the lease and conditional contract of sale and of the consolidation of the operations and properties of the two transit companies, reference is made to Decision No. 14881, dated May 2, 1925, in Application No. 10687.

The instrument provided, among other things, for the payment by California Transit Company to Valley Transit Company of $430,000, payable in forty-three monthly installments of $10,000 each, with interest, computed and payable monthly, at the rate of 6 per cent per annum on all deferred payments. It was agreed that the payment of $430,000 would be the full compensation received by Valley Transit Company both as rental and purchase price, and that upon receiving the total amount, with interest, Valley Transit Company would execute instruments of transfer covering the properties leased.

It is now reported that $54,275 has been paid under the lease and conditional contract of sale. Valley Transit Company has offered, in full payment for the balance due, to accept 2210 shares of the capital stock of applicant, fully paid up and issued at par, which offer has been accepted by applicant subject to receiving the approval of this Commission. The amount of stock is said to represent the cost of the tangible assets of the Valley Transit Company, which assets are described in Exhibit "A" attached to the petition and include material and supplies, furniture and fixtures, machinery and tools, and other assets, and rolling equipment consisting of forty-one stages and one shop car, the stages being of 14, 18, 22 and 26 passengers capacity.

Applicant reports that in effecting the lease and purchase of the operative rights of Valley Transit Company there was expended the sum of $13,009.19 for legal and other expenses and commissions and fees, as shown in some detail in Exhibit "D," which sum is in addition to the consideration provided in the contract. The company now seeks to reimburse itself in part for these expenditures, which are said to be capital expenditures, to the extent of $13,000 through the issue and sale at par of 130 shares of stock.

The remaining $210,000 of the stock herein applied for, will be sold at par for cash to finance the cost of additional equipment to be purchased during 1926. The company reports in this connection that in the operation of its business it will be necessary for it to acquire sixteen stages of the value of $10,000 each and four stages of the value of $12,500 each, making a total estimated expenditure of $210,000. We do not believe, however, that we can predicate an order authorizing the disbursement of $210,000 of stock proceeds on the showing made. The order herein will authorize the issue and sale of the stock in the amount applied for but will provide that no proceeds be expended except as hereafter authorized by the Commission in supplemental orders to be

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made on supplemental petitions filed by the company when it is in a position to describe more completely the equipment to be purchased.

ORDER.

California Transit Company having applied to the Railroad Commission for permission to issue stock, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the issue of the stock is reasonably required by applicant, for the purposes specified herein;

It is hereby ordered, that California Transit Company be and it is hereby authorized to issue, at par, 2210 shares of its capital stock, of the aggregate par value of $221,000 for the purpose of paying for the equipment described in Exhibit "A" attached to the application herein.

It is hereby further ordered, that California Transit Company be and it is hereby authorized to issue and sell at par for cash, 130 shares of its capital stock, of the aggregate par value of $13,000 and to use the proceeds to reimburse itself in part on account of the expenditures for the purposes described in Exhibit "D," attached to the application herein.

It is hereby further ordered, that California Transit Company be and it is hereby authorized to issue and sell at par for cash, 2100 shares of its capital stock of the aggregate par value of $210,000, provided that the proceeds received be placed in a special deposit and expended only for such purposes as the Commission may authorize by subsequent orders.

It is hereby further ordered, that California Transit Company shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month, a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order, and that the authority herein granted will become effective upon the date hereof, provided that under such authority no stock may be issued, sold or delivered subsequent to November 30, 1926.

Dated at San Francisco, California, this second day of March, 1926.

DECISION No. 16036.

IN THE MATTER OF THE APPLICATION OF TOWLE BROTHERS COMPANY, A CORPORATION, AND PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING THE FORMER TO SELL AND CONVEY, AND THE LATTER TO PURCHASE AND ACQUIRE THE PROPERTIES REFERRED TO IN THIS PETITION.

Application No. 12458.

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Decided March 2, 1926.

TRANSFER—ELECTRIC UTILITY—RATES.—Pacific Gas and Electric Company authorized to purchase electric distributing system of Towle Brothers Company, operated in and near Towle, Placer County, and to place in effect thereon its uniform rates, rules and regulations.

R. W. DuVal, for Applicants.

BY THE COMMISSION.

OPINION.

Towle Brothers Company, a corporation, asks permission to sell its electric distributing system to the Pacific Gas and Electric Company for the sum of $1,250. The Pacific Gas and Electric Company asks permission to purchase such electrical distributing system and to put into effect its schedule of rates, charges, rules and regulations throughout the territory now served by Towle Brothers Company.

The properties which Towle Brothers Company asks permission to sell are generally described in applicant's Exhibit "A," and more particularly in applicant's Exhibit No. 2. The properties consist of about one mile of pole line used in supplying electrical energy to eight metered consumers in and adjacent to the territory of Towle, Placer County, California. Towle Brothers Company has during the past purchased the electrical energy distributed by it from the Pacific Gas and Electric Company.

It is of record that the rates which the Pacific Gas and Electric Company will put into effect are lower than the rates now charged by Towle Brothers Company.

ORDER.

Towle Brothers Company having applied to the Railroad Commission for permission to sell its electric properties to the Pacific Gas and Electric Company, and Pacific Gas and Electric Company having asked permission to purchase such properties and to put into effect throughout the territory served by Towle Brothers Company its rates, charges, rules and regulations, a public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that the transfer of the properties is in the interest of the public and that this application should be granted;

It is hereby ordered, as follows:

1. Towle Brothers Company, a corporation, be and it hereby is authorized to sell its electrical distributing system described in applicants' Exhibit "A" and applicants' Exhibit No. 2 to the Pacific Gas and Electric Company for the sum of $1,250 and discontinue furnishing and supplying electrical energy in the territory now served by it, at the time the Pacific Gas and Electric Company acquires said properties and begins to furnish and supply electrical energy to said territory.

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2. Pacific Gas and Electric Company be and it hereby is authorized to purchase said properties and place into effect its rates, charges, rules and regulations applicable to territory in Placer County.

3. The consideration being paid by the Pacific Gas and Electric Company for the properties of Towle Brothers Company shall never be urged before this Commission as a measure of the value of said properties for any purpose other than the transfer herein authorized.

4. The authority herein granted to sell and purchase said properties will become effective on the twentieth day after the date of this order, and the authority herein granted to the Pacific Gas and Electric Company to put into effect its rates, charges, rules and regulations will become effective on the thirtieth day after the date of this order.

Dated at San Francisco, California, this second day of March, 1926.

DECISION No. 16043.

IN THE MATTER OF THE APPLICATION OF GREAT WESTERN POWER COMPANY OF CALIFORNIA TO SELL AND THE PACIFIC GAS AND ELECTRIC COMPANY TO PURCHASE A CERTAIN POLE LINE IN THE CITY OF PIEDMONT.

Application No. 12331.

Decided March 2, 1926.

ILLEGAL OPERATION—TRANSFER—ELECTRIC UTILITY.—Great Western Power Company of California having inadvertently built a pole line to serve five consumers in the city of Piedmont, Alameda County, without franchise to do so, and said territory now being served by Pacific Gas and Electric Company, the Commission authorizes the sale of the said pole line to Pacific Gas and Electric Company.

Chaffee E. Hall, for Great Western Power Company of California.
C. P. Cutten, by *R. W. DuVal*, for Pacific Gas and Electric Company.

DECOTO, *Commissioner*.

OPINION.

The application in this matter and the evidence as submitted at the public hearing held on it show that Great Western Power Company of California is operating and maintaining an electric distribution system in the city of Oakland and adjacent territory but that it has no franchise nor legal right to operate such a system in the city of Piedmont. The city of Piedmont, as well as adjacent territory, is served by Pacific Gas and Electric Company.

In the course of its business and the extension of its service to the inhabitants of the territory adjacent to the city of Piedmont, Great Western Power Company, through inadvertence, constructed a line across the city boundary into the city of Piedmont and at the time of filing the aplication herein had commenced service to five domestic consumers.

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It has been agreed that Great Western Power Company shall sell and Pacific Gas and Electric Company purchase for $250, the poles, wire, etc., involved in this line but exclude transformers and meters. Pacific Gas and Electric Company operates throughout the city of Piedmont and in territory not far from the five consumers affected by this transfer. Its rates are the same as those of Great Western Power Company and it is in a position to give equally good service. The proposed transfer effectively and conveniently clears up the question of illegal operation and will not result in any detriment to the consumers concerned nor to the general public. I recommend the following form of order:

ORDER.

Great Western Power Company of California and Pacific Gas and Electric Company having applied to the Railroad Commission for an order authorizing the former to sell and the latter to purchase for the sum of $250 a certain pole line located in the city of Piedmont and more particularly described in the application in this matter, public hearing having been held and the Railroad Commission being of the opinion that such transfer should be authorized;

It is hereby ordered, that

1. Great Western Power Company of California be and it is authorized to sell and Pacific Gas and Electric Company to purchase that certain electric line located on Estates drive in the city of Piedmont and more particularly described in the application in this matter.

2. The price at which such property is authorized to be transferred shall not be urged as a finding by this Commission of the value of such property.

3. The authority herein granted shall become effective from the date of this order and shall apply to such transfer of said property as may be made before June 1, 1926.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this second day of March, 1926.

DECISION NO. 16046.

IN THE MATTER OF THE APPLICATION OF E. D. PETERS AND F. E. PETERS, DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF "PETERS BROTHERS," AND PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING THE FORMER TO SELL AND CONVEY AND THE LATTER TO PURCHASE AND ACQUIRE THE PROPERTIES REFERRED TO IN THIS PETITION.

Application No. 12438.

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Decided March 2, 1926.

TRANSFER—ELECTRIC UTILITY—RATES.—Pacific Gas and Electric Company authorized to purchase electric distributing system of Peters Brothers in Placer County, and to establish thereon its uniform rates, rules and regulations.

R. W. DuVal, for Applicants.

BY THE COMMISSION.

OPINION.

E. D. Peters and F. E. Peters, doing business under the firm name and style of Peters Brothers, ask permission to sell their electrical distributing system to the Pacific Gas and Electric Company for the sum of $8,500. Pacific Gas and Electric Company asks permission to purchase such electrical distributing system and to put into effect its rates, charges, rules and regulations throughout the territory now served by Peters Brothers.

The properties which Peters Brothers ask permission to sell are generally described in applicants' Exhibit "A" and more particularly described in applicants' Exhibit No. 1. The properties consist of about 6.35 miles of pole lines supplying 103 metered consumers in and adjacent to the towns of Alta, Dutch Flat, and Gold Run, all in Placer County. Applicants in Exhibit No. 1 report the reproduction cost new of the property on the basis of material and labor costs prevailing in the year 1925 at $13,689, segregated as follows:

Poles and fixtures	$7,447 00
Depreciation overhead conductors	2,640 00
Overhead line transformers	1,664 00
Services from overhead lines	725 00
Consumers' meters	1,213 00
Total	$13,689 00

It is of record that the territory supplied with electric service by Peters Brothers is contiguous to that supplied by the Pacific Gas and Electric Company and that the two electric systems are interconnected. The Pacific Gas and Electric Company is now and for several years last past has been selling, furnishing and delivering to Peters Brothers the electric energy which they have distributed and sold to their consumers.

Testimony shows that the rates which the Pacific Gas and Electric Company proposes to put into effect are lower than the rates now charged by Peters Brothers except as to rates for resale service. Peters Brothers have been selling electrical energy for resale purposes to J. D. Stewart at the rate of 3¼ cents per kilowatt hour per meter per month with a minimum charge of $5 per meter per month. The Pacific Gas and Electric Company has agreed to furnish J. D. Stewart with electrical energy for resale purposes at the same rate as he has been paying to Peters Brothers.

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ORDER.

E. D. Peters and F. E. Peters, doing business under the firm name and style of Peters Brothers, having applied to the Railroad Commission for permission to sell their electrical properties to the Pacific Gas and Electric Company and to discontinue their electric service and Pacific Gas and Electric Company having asked permission to purchase such properties and to put into effect throughout the territory served by Peters Brothers its rates, charges, rules and regulations, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the transfer of the properties is in the interest of the public and that this application should be granted as provided in this order; therefore,

It is hereby ordered as follows:

1. E. D. Peters and F. E. Peters, doing business under the firm name and style of Peters Brothers, be and they are hereby authorized to sell their electrical distributing system, described in applicants' Exhibit "A" and applicants' Exhibit No. 1, to the Pacific Gas and Electric Company for the sum of $8,500 and discontinue furnishing and supplying electrical energy in the territory now served by them, at the time the Pacific Gas and Electric Company acquires said properties and begins to furnish and supply electrical energy to said territory.

2. Pacific Gas and Electric Company be and it hereby is authorized to purchase said properties and place into effect its electric rates, charges, rules and regulations applicable to territory in Placer County with the exception that for electrical energy sold to J. D. Stewart for resale purposes Pacific Gas and Electric Company shall charge $3\frac{3}{4}$ cents per kilowatt hour per meter per month, minimum charge of $5 per meter per month.

3. The consideration being paid by the Pacific Gas and Electric Company for the properties of Peters Brothers shall never be urged before this Commission as a measure of the value of said properties for any purpose other than the transfer herein authorized.

4. The authority herein granted to sell and purchase said properties will become effective upon the twentieth day after the date of this order, and the authority herein granted to the Pacific Gas and Electric Company to put into effect its rates, charges, rules and regulations will become effective upon the thirtieth day after the date of this order.

Dated at San Francisco, California, this second day of March, 1926.

DECISION NO. 16048.

IN THE MATTER OF THE APPLICATION OF DRAYAGE SERVICE CORPORATION FOR A PERMIT TO DECLARE STOCK DIVIDENDS AND TO SELL ITS SECURITIES.

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Application No. 12466.

Decided March 2, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

J. W. O'Neill, for Applicant.

BY THE COMMISSION.

OPINION.

In this application, as originally filed, Drayage Service Corporation asked permission to issue $75.000 of stock, consisting of $25,000 of 8 per cent cumulative preferred stock and $50,000 of common stock, and to deliver $15,000 of such common stock as a stock dividend and to sell $35,000 of the common stock and the $25,000 of preferred stock at par, less a selling commission of 5 per cent, for the purpose of paying indebtedness and of financing the cost of improvements.

A public hearing in the matter was held before Examiner Fankhauser in San Francisco on February 10, 1926, at which time applicant amended its application so as to cover the issue of notes and execution of deeds of trust as well as the issue of stock.

Drayage Service Corporation is engaged in transporting merchandise as a common carrier between San Francisco and the east bay cities and as a local drayman in and about Oakland, the larger part of its operations, according to the testimony herein, being of a nature not coming within the jurisdiction of the Commission. The company reports its revenues and expenses for two years 1924 and 1925 as follows:

Item	*1924*	*1925*
Transportation revenue	$81,866 73	$84,614 12
Transportation expense	73,973 34	86,724 50
Net transportation revenue	$7,893 39	* $2,110 38
Drayage revenue	$99,160 48	$131,038 82
Drayage expense	94,637 73	111,362 86
Net drayage revenue	$4,522 75	$19,675 96
Total net revenue	$12,416 14	$17,565 58
Nonoperating income	1,300 83	1,167 78
Net income	$13,715 97	$18,733 36
Deductions	3,897 83	6,426 63
Profit for year	$9,819 14	$12,306 73
Dividends	2,819 56	1,850 20
Balance	$6,999 58	$10,456 53
Surplus beginning of year	731 92	7,731 50
Surplus end of year	$7,731 50	$18,188 03

* Loss.

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Applicant, in its Exhibit "C," submits its assets and liabilities as of December 31, 1925. The balance sheet as of that date reflects the appraisal of applicant's properties by the American Appraisal Company. Applicant produced no witness to testify as to the correctness of the appraisal or the manner in which it was prepared. Neither the appraisal nor the balance sheet based on it will be considered as evidence in this proceeding.

The Commission by Decision No. 9837, dated December 5, 1921, prescribed a uniform classification of accounts for automotive transportation companies having gross operating revenues of more than $20,000 per annum. It is of record that applicant's revenue from transportation business under the jurisdiction of the Commission was for 1925, $84,614.12 and for 1924, $81,866.73. The Commission has never been asked to modify its order in Decision No. 9837 so as to permit applicant to depart from the system of accounts prescribed by the Commission. We expect this applicant, as well as all other Class A transportation companies to keep their accounting records in conformity with the system of accounts prescribed by Decision No. 9837. Applicant will be required to change its accounting records accordingly.

It appears that the company's principal place of business is in Oakland and that its terminal facilities are held under lease. It now reports that the lease, which was executed in 1917, will terminate in August, 1927, that it can not renew the same and that it has decided to construct its own terminal. To this end it has purchased, at a cost of about $37,500, a parcel of land containing 92,969 square feet located between Eighteenth and Twentieth streets and Campbell and Peralta streets, Oakland, and is making plans to erect a Class "A" brick building to be used as a transfer shed and housing shed for its trucks, at this time, and later, a warehouse, an expenditure of about $25,000 being now proposed.

It appears that the real property purchased was financed through the issue of a three-year 6 per cent note for $35,000 due December 7, 1928, in favor of Mercantile Trust Company of California and a 6 per cent note in favor of Angelo Marra and Lucy Marra for $2,500 dated December 31, 1925, and payable at the rate of $400 every six months. The company now proposes to pay the $35,000 note and it is in order to obtain the money necessary for this purpose as well as for the financing of the improvements thereon, that it makes the request to sell the $60,000 of stock. In this connection it reports that it intends to sell the stock, which consists of $35,000 of common and $25,000 of preferred, at par, but it asks permission to use not exceeding 5 per cent of the par value for selling commissions. The record on this point, however, indicates that a portion of stock will be purchased by officers

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of the company, in which case, of course, no commission should be paid on such stock.

The company proposes to issue the remaining stock herein applied for, namely, $15,000 of common stock, as a dividend to the holders of the outstanding stock in the ratio of one share for every five shares now held.

As stated in former decisions the Commission is of the opinion that under the Public Utilities Act and the Auto Stage and Truck Transportation Act it has no power to authorize the issue of stock for the purpose of paying a stock dividend. The Commission can, however, upon proper showing, authorize the issue of stock for the purpose of reimbursing a company's treasury because of surplus earnings invested in its properties and business. If such an order is made the company, after reimbursement, can deliver the stock to its stockholders as a stock dividend. Before a company can obtain an order of the Commission authorizing it to issue stock to reimburse its treasury, it is necessary for it to make a showing that it has had surplus earnings equal to the proposed dividend and that such earnings have been invested in the assets and business of the company and have not been distributed as dividends or otherwise. In this proceeding the company reports its acumulated surplus earnings, as of December 31, 1925, at $18,188.03. This amount, according to the evidence herein, represents the net profits from the company's operations after paying operating expenses and fixed charges and providing for depreciation, and has been invested in the assets and business. Based upon the showing made, the order herein will authorize the issue of $15,000 of stock in reimbursement of the company's treasury.

Coming now to the amendment to the application made at the hearing, it appears that as of December 31, 1925, the company reports outstanding $47,534.46 of notes payable and $24,739.38 of purchase contracts, making a total outstanding indebtedness, aside from current liabilities, of $72,273.84. An analysis of the items making up the total indebtedness shows that some of the notes and contracts were issued for periods more than one year after date, as follows:

Payees	*Notes. Date*	*Payable*	*Amount*
Mercantile Trust Company	Dec. 7, 1925	Dec. 7, 1925	$35,000 00
Angelo and Lucy Marra	Dec. 31, 1925	$400 semiannually	2,500 00
	Contracts.		
Bay Cities Transportation Co.	Oct. 1, 1922	Dec. 1, 1926	2,400 00
Federal Motor Truck Co.	Mar. 17, 1925	Sept. 17, 1926	1,215 00
Federal Motor Truck Co.	April 7, 1925	Oct. 17, 1926	1,200 00
Federal Motor Truck Co.	July 31, 1925	Feb. 15, 1927	1,575 00
Federal Motor Truck Co.	July 31, 1925	Feb. 15, 1927	1,575 00
Total			$45,465 00

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In connection with these notes and purchase contracts applicant's attention is directed to section 6 of the Auto Stage and Truck Transportation Act which reads in part as follows:

"No transportation company may issue any * * * note or other evidence of indebtedness payable at a period of more than twelve months after the date thereof unless such transportation company, in addition to the other requirements of law, shall first have secured from the railroad commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied * * *"

The notes and purchase contracts enumerated above were executed without an order from the Commission and therefore, in our opinion, are void. It appears, however, that applicant so executed such notes and contracts through inadvertence and with no intent to evade the provision of any act and the record shows that when the provisions of section 6 were called to applicant's attention it immediately requested permission to execute notes and contracts to evidence the indebtedness represented by the instruments it attempted to execute without an order from this Commission.

The two notes were issued in payment for the real property referred to hereinabove upon which applicant intends to erect its terminal. Both notes bear interest at 6 per cent and both are liens on the property. Following the hearing, applicant, on February 17, 1926, filed copies of these instruments which seem to be in satisfactory form. Although applicant proposes to liquidate the $35,000 indebtedness with stock proceeds, it seems to us advisable to authorize the company to execute a new deed of trust and to issue a new note for this amount for the reason that some time may elapse before the company is successful in disposing of enough stock to accomplish this purpose.

The purchase contracts questioned were executed for the purpose of purchasing additional automotive equipment. The contract with Bay Cities Transportation Company originally provided for a total payment of $10,000, payable at the rate of $200 a month without interest, the $2,400 being the balance remaining. Under the contracts with Federal Motor Truck Company the balance of $1,215 is payable in monthly installments of $120 with interest at 8 per cent per annum; the balance of $1,200 is payable in monthly installments of $135 with interest at 8 per cent per annum and the two balances of $1,575 are payable in monthly installments of $112.50 with interest at 7 per cent per annum.

ORDER.

Application having been made to the Railroad Commission for an order authorizing the issue of stock, the execution of deeds of trust and the issue of notes, a public hearing having been held, and the

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Commission being of the opinion that the application should be granted as herein provided, and that the money, property or labor to be procured or paid for through such issue is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargable to operating expense or to income;

It is hereby ordered, that Drayage Service Corporation be and it is hereby authorized to issue $15,000 of common stock to reimburse its treasury because of surplus earnings invested in assets and thereafter to distribute such common stock to its stockholders as required and permitted by law as a stock dividend.

It is hereby further ordered, that Drayage Service Corporation be and it is hereby authorized to issue and sell at not less than par, for cash, $35,000 of common stock and $25,000 of preferred stock.

It is hereby further ordered, that Drayage Service Corporation be and it is hereby authorized to use of the proceeds from the sale of the stock an amount not exceeding 5 per cent of the par value of stock sold to pay commissions and other expenses incident to the sale of the stock; to use $35,000 of the proceeds to pay the indebtedness of like amount in favor of Mercantile Trust Company of California; and to use the remaining proceeds to finance, in part, the cost of the warehouse and terminal facilities to which reference is made in the foregoing opinion, provided that such remaining proceeds may be expended only when authorized by the Commission in supplemental orders.

It is hereby further ordered, that Drayage Service Corporation be and it is hereby authorized to issue a three-year 6 per cent promissory note for $35,000 in favor of Mercantile Trust Company of California and a 6 per cent promissory note or notes for $2,500 payable at the rate of $400 semiannualy in favor of Angelo Marra and Lucy Marra to refund the indebtedness of like amounts now outstanding and to secure the payment of such notes by the execution of deeds of trust substantially in the same form as those filed in this proceeding on February 17, 1926, provided that the authority to execute deeds of trust is for the purpose of this proceeding only and is given only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of such deeds of trust as to such other legal requirements to which such deeds of trust may be subject.

It is hereby further ordered, that Drayage Service Corporation be and it is hereby authorized to execute and enter into agreements, evi-

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dences of indebtedness, covering the payment of the balances due as shown in the preceding opinion, which balances are reported as follows:

Payee	*Payable*	*Interest*	*Amount*
Bay Cities Transportation Co.	$200 00 monthly		$2,400 00
Federal Motor Truck Co.	120 00 monthly	8 per cent	1,215 00
Federal Motor Truck Co.	135 00 monthly	8 per cent	1,200 00
Federal Motor Truck Co.	112 50 monthly	7 per cent	1,575 00
Federal Motor Truck Co.	112 50 monthly	7 per cent	1,575 00
Total			$7,965 00

It is hereby further ordered, that applicant shall keep such record of the issue of the stock, notes and other evidences of indebtedness herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted to issue stock shall become effective upon the date hereof but that the authority to execute notes and other evidences of indebtedness shall become effective only when applicant has paid the fee prescribed by section 6 of the Auto Stage and Truck Transportation Act and section 57 of the Public Utilities Act, which fee is forty-six dollars ($46).

It is hereby further ordered, that Drayage Service Corporation shall within four (4) months after the date hereof file with the Railroad Commission a balance sheet prepared in accordance with the system of accounts prescribed by this Commission by Decision No. 9837, dated December 5, 1921.

It is hereby further ordered, that under the authority herein granted no stock, notes or other evidences of indebtedness may be issued or executed after December 31, 1926.

Dated at San Francisco, California, this second day of March, 1926.

DECISION No. 16049.

IN THE MATTER OF THE APPLICATION OF THE BEAR VALLEY UTILITY COMPANY, A CALIFORNIA CORPORATION, FOR AUTHORITY TO ISSUE ITS SERIES "B" FIRST MORTGAGE SINKING FUND GOLD BONDS IN THE AGGREGATE AMOUNT OF NINETY THOUSAND DOLLARS.

Application No. 12503.
Decided March 2, 1926

SECURITIES—BONDS—TO ISSUE.—Application granted.

R. E. Hodge and *P. M. McCloskey*, for Applicant.

BY THE COMMISSION.

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OPINION.

In this application Bear Valley Utility Company asks permission to issue and sell $90,000 of its Series "B" first mortgage, 7 per cent, twenty-year bonds for the purpose of obtaining funds to liquidate indebtedness and to finance the cost of future construction work.

Bear Valley Utility Company, which was organized on or about June 30, 1921, is engaged in the business of distributing and selling electric energy for light, heat and power purposes, furnishing local and long distance telephone service and supplying water for domestic and other purposes to the inhabitants of Big Bear Valley, San Bernardino County, its business, for the most part, being of a seasonal nature. It reports its gross revenues from operations as $39,540.12 during the twelve months ending December 31, 1924, and as $47,208.96 during the twelve months ending December 31, 1925, and its net earnings available for interest and other fixed charges as $11,801.95 during the former year and as $13,755.37 during the latter. The surplus for 1924 was reported as $8,009.32 and for 1925 as $10,370.89.

The assets and liabilities of the company, as of December 31, 1925, are shown, in Exhibit "B," as follows:

Fixed capital:	*Asset Accounts.*	
Water	$111,315 28	
Electric	87,011 26	
Telephone	60,539 03	
General	7,758 95	
		$266,624 52
Cash		1,311 34
Notes receivable		24 00
Accounts receivable		7,965 35
Materials and supplies		7,948 96
Prepayments		4,354 55
Unamortized discount		22,313 33
Construction work in progress		850 45
Suspense		67 60
		$311,460 10
	Liability Accounts.	
Capital stock		$100,000 00
Funded debt (bonds)		110,000 00
Notes payable		46,000 00
Accounts payable		14,286 52
Accruals		2,843 94
Service billed in advance		957 60
Donations in aid of construction		13,874 14
Consumers' advances for construction		8,824 97
Reserve for depreciation		9,640 96
Surplus		5,031 97
		$311,460 10

The bonds outstanding are designated Series "A" first mortgage bonds, are dated September 1, 1924, bear interest at 7 per cent per annum, and mature September 1, 1944. These bonds were issued and

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sold, pursuant to authority granted by the Commission by Decision No. 14329, at 90 per cent of face value plus accrued interest.

The Series "B" bonds now proposed to be issued are similar in form to the Series "A" bonds. The company reports that it has made arrangements to sell them at 92 per cent of face value plus accrued interest, a price netting it $82,800 and it asks permission to use the proceeds to pay four outstanding notes aggregating $46,000 and to finance construction costs.

The notes were issued during November and December, 1925, to San Bernardino National Bank, for periods of ninety days with interest at 7 per cent per annum for the purpose of obtaining funds to pay vouchers representing moneys used for construction work during the year. The estimated construction work to be done during 1926 and to be financed with the bond proceeds is described in Exhibit "B," filed with the application, as follows:

Estimated cost of two phase metallic circuit beginning at Boulder Bay Camp and terminating at dam	$3,883 18
Estimated cost of two phase circuit north side of lake	1,492 82
Estimated cost of 100 prospective electric services	3,559 71
Estimated cost of 50 prospective telephone connections	4,643 80
Estimated cost of 100 prospective water services	5,938 65
Estimated cost of material for miscellaneous extensions during the year 1926	4,318 05
Total	$23,836 21

The testimony herein indicates that it is thought that the issue and sale of the bonds now applied for will take care of applicant's construction work during this and next year. No definite showing was made, however, of expenditures in addition to those described in the foregoing tabulation and the permission granted herein to use bond proceeds will be limited to the showing made. When the company desires to use proceeds to finance construction expenditures in addition to the $23,836.21 it should file a supplemental petition in this matter setting forth the construction work it desires to finance with its bond money.

ORDER.

Bear Valley Utility Company having applied to the Railroad Commission for permission to issue and sell bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for is reasonably required by applicant, and that the expenditures herein authorized are not, in whole or in part, reasonably chargeable to operating expense or to income;

It is hereby ordered, that Bear Valley Utility Company be and it is hereby authorized to issue and sell, on or before December 31, 1926,

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$90,000 of its Series "B" first mortgage, 7 per cent bonds due September 1, 1944.

The authority herein granted is subject to the following conditions:

(1) Applicant shall sell its bonds at not less than 92 per cent of face value plus accrued interest and may use $46,000 of the proceeds to pay the short term notes of like amount now outstanding and not exceeding $23,836.21 to finance the estimated expenditures to be made during 1926. The remaining proceeds, and such portion of the $69,836.21 not needed for the aforesaid purposes may be used only for such other purposes as the Commission may authorize in supplemental orders.

(2) Applicant shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds, as will enable it to file, on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

(3) The authority herein granted shall become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $90.

Dated at San Francisco, California, this second day of March, 1926.

DECISION No. 16064.

IN THE MATTER OF THE APPLICATION OF THE SOUTHERN PACIFIC COMPANY FOR PERMISSION TO CANCEL RATES ON IRON AND STEEL ARTICLES.

Application No. 11528.

Decided March 3, 1926.

RATES—STEAM RAILROAD—IRON AND STEEL—TO CANCEL.—Authority granted to Southern Pacific Company to cancel commodity rates named in Items 2340-A, 4700-C, 5580-B, 7020, 7230-A and 7240-B, in applicant's Tariff 730-C, C. R. C. 2904, and to publish in lieu thereof rate of 24 cents, applying to galvanized iron, pipe, nails and railroad track materials.

F. W. Mielke and *W. S. Dawson*, for Applicant.
Seth Mann, for San Francisco Chamber of Commerce.
G. J. Bradley, for Merchants and Manufacturers Association of Sacramento.
E. W. Hollingsworth, for Traffic Department, Oakland Chamber of Commerce.
E. W. Hollingsworth and *Bishop and Bahler*, for Western Pipe and Steel Company and Pacific Coast Steel Company.

BY THE COMMISSION.

OPINION.

This is an application by the Southern Pacific Company under section 63 of the Public Utilities Act of the State of California for authority to cancel from its Tariff 730-C, C. R. C. 2904, a rate of 20½

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cents per 100 pounds from San Francisco and Oakland to Roseville, Flint and Auburn, applicable on iron and steel articles as described in Item 4700-C; on mining or dump cars as described in Item 7020, and on iron or steel rails and fastenings as described in Item 7240-B; also to cancel rate of 14 cents applicable on electrical appliances, machinery and supplies as described in Item 2340-A, between Sacramento and Auburn and from Newcastle to Sacramento; a rate of 14 cents from Sacramento to Newcastle and Auburn on machinery and machines as described in Item 5580-B, and a rate of 10½ cents from Sacramento to Rocklin and Auburn applicable on iron and steel rails and fastenings as described in Item 7230-A.

The applicable rates after the cancellation of the commodity rates will be the class rates, with the exception of a proposed new commodity rate of 24 cents per 100 pounds from San Francisco and Oakland to Auburn applying to iron and steel sheets and plates; wrought iron or steel pipe; iron or steel railway track material and other iron and steel articles, as more specifically set forth in Exhibit "C" attached to and made a part of the application.

A public hearing was held at San Francisco before Examiner Geary and the case having been duly submitted is now ready for an opinion and order.

At the hearing representatives of the San Francisco Chamber of Commerce, Oakland Chamber of Commerce, Merchants and Manufacturers Traffic Association of Sacramento, Western Pipe and Steel Company and Pacific Coast Steel Company, intervened.

Applicant submitted traffic statements for a year ended July 31, 1925, which indicated no tonnage movement either from Sacramento or San Francisco under the rates provided in Items 2340-A, 5580-B, 7020, 7230-A and 7240-B.

The rate named in Item No. 4700-C, covered iron and steel articles, viz, nails, pipe and fittings, machinery and machines, and electrical appliances moved during the seventeen months' period ended June 31, 1925, 12 carloads from San Francisco to Auburn and one car from South San Francisco to Loomis. From the exhibit and the testimony of the witness it was shown that practically all of these shipments moved to points beyond Auburn by auto trucks to final destinations, Grass Valley and Nevada City. The rate of 20½ cents, Items 4700-C, 7020, and 7240-B, is alleged to be unduly low for the service rendered when comparison is made with other rates for equal distances and results in the breaking down of the rates beyond Auburn by reason of combinations at that point.

Applicant submitted exhibits comparing the proposed rate of 24 cents from San Francisco to Auburn, 124 miles, with rates on named com-

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modities to various destinations and the following, taken from exhibits of record, is representative of that comparison.

Galvanized Sheets.

From	*To*	*Miles*	*Rates in cents per 100 lbs.*
San Francisco	Marysville	123	26
San Francisco	Fresno	194	44
	Nails, Cut or Wire, Including Cement, Coated.		
Pittsburg	Madera	124	38½
San Francisco	Truckee	208	52
	Railway Track Material.		
Stockton	Truckee	162	49½
San Francisco	Truckee	208	52
	Pipe, Cast Iron, Wrought or Steel.		
San Francisco	Oroville	149	33½
San Francisco	Rugg	185	41

The rates offered in comparison are mostly class rates, for with few exceptions iron and steel articles move under class rates in the State of California. Commodity rates are only established to meet certain peculiar competitive carrier or market conditions.

The interveners presented no exhibits and but one witness, whose testimony was devoted to identifying the forwarding of a carload of steel pipe consigned to the Pacific Gas and Electric Company at Loomis.

The record shows that there has been no regular movement, that the commodity rates which were established in the year 1912 are no longer necessary and that they are now much lower than the general standard of rates on iron and steel articles for equidistant hauls between points within the State of California.

The Alpha Hardware and Supply Company, W. G. Wright, and the Auburn Lumber Company, the principal consignees of the shipments forwarded during the past year, advised they have no objections to the cancellation of the commodity rates.

Upon consideration of all the facts of record, we are of the opinion and find that applicant should be permitted to cancel the commodity rates named in Items 2340-A, 4700-C, 5580-B, 7020, 7230-A and 7240-B Southern Pacific Company's Tariff 730-C, C. R. C., 2904, and publish in lieu thereof proposed rate of 24 cents, applying to galvanized iron, pipe, nails and railroad track materials, as shown in Exhibit C and as amended, attached to and made a part of the application.

ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which is hereby referred to and made a part hereof;

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It is hereby ordered, that the application of the Southern Pacific Company be and the same is hereby granted, and applicant is hereby authorized to cancel the rates named in Items 2340-A, 4700-C, 5580-B, 7020, 7230-A, and 7240-B, Southern Pacific Tariff 730-C, C. R. C. 2904, and publish the proposed rates as shown in Exhibit "C" and as amended, attached to the application and made a part thereof.

Dated at San Francisco, California, this third day of March, 1926.

DECISION No. 16068.

IN THE MATTER OF THE APPLICATION OF THE PICKWICK STAGES SYSTEM AND WEST COAST TRANSIT COMPANY TO PUBLISH JOINT PASSENGER FARES BETWEEN POINTS ON THE LINE OF THE PICKWICK STAGES SYSTEM AND WEST COAST TRANSIT COMPANY, AS SET FORTH IN THE APPLICATION.

Application No. 12274.

Decided March 3, 1926.

RATES—AUTO STAGES—JOINT THROUGH FARES.—Pickwick Stages System and West Coast Transit Company authorized to publish joint through fares between points on their respective systems.

Warren E. Libby, for Applicant.
Jos. Hellens, for Southern Pacific Company, Protestant.
C. E. Smith, for Northwestern Pacific Railroad Company, Protestant.
J. E. McCurdy, for Peninsula Rapid Transit Company.

BY THE COMMISSION.

OPINION.

This is an application of the Pickwick Stages System and the West Coast Transit Company seeking authority to establish joint one way and round trip passenger fares, as specifically set forth in Exhibit "A" of the application and as amended, between Los Angeles, Paso Robles, Bakersfield, Taft, Cholame, Salinas, Lick and points intermediate, served by the Pickwick Stages System on the one hand, and on the other points north of Santa Rosa served by West Coast Transit Company.

A public hearing was held at Los Angeles January 28, 1926, before Examiner Geary, and the application having been duly submitted is now ready for an opinion and order.

The proposed fares as set forth in the application are based on less than the full combination of locals and will result in slight reductions in the present combination fares.

A witness for the applicants testified that there has been a continual demand from the public for the sale of through tickets, particularly from patrons traveling during the summer months to and from the

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numerous summer resort sections on the line of the West Coast Transit Company. Applicants estimate that between 300 and 400 passengers per month will be handled over the joint route during the vacation period and they contend that the sale of through tickets will be a decided advantage to the traveling public by eliminating the necessity of purchasing two separate tickets.

It is not proposed to change in any manner the physical operations of the auto busses, and passengers will be transferred at San Francisco as at present, where both lines use the same terminal facilities.

Applicant Pickwick Stages System now has in effect joint interstate fares to and from points in Oregon in connection with the West Coast Stage Lines, Inc., but at present does not maintain any joint fares to or from points in northern California in connection with the West Coast Transit Company.

The Northwestern Pacific Railroad Company protested the granting of the application upon the ground that the lower fares over the lines of applicants would reduce its revenue. However, the testimony submitted was not persuasive that protestant's interests would be seriously affected by the publication of these joint fares and the sale of through tickets.

Upon consideration of all the facts of record we are of the opinion that there is a necessity for the publication of joint fares and the sale of through tickets and that the application should be granted. This authority does not enlarge any of the rights of applicants and fares are not to be published to or from any points not served by applicants at the present time.

ORDER.

A public hearing having been held in the above entitled proceeding, evidence having been submitted by the applicants, and the Commission being fully advised:

The Railroad Commission of the State of California hereby declares that there is a necessity for the publication of joint passenger fares between the points served by applicants, as set forth in Exhibit "A" of the application and as amended; and

It is hereby ordered, that applicants, Pickwick Stages System and West Coast Transit Company, be and they are hereby authorized to publish and file tariffs setting forth the joint fares to be assessed over this through route, such fares to be the same as set forth in Exhibit "A" of the application and as amended, provided no fares are published to or from points not included in applicants' present operating rights.

Dated at San Francisco, California, this third day of March, 1926.

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DECISION No. 16069.

IN THE MATTER OF THE APPLICATION OF SAN DIEGO CONSOLIDATED GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE AND SALE OF ITS COMMON STOCK OF THE PAR VALUE OF TWO MILLION DOLLARS.

Application No. 12504.

Decided March 3, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

Cummins, Roemer and Flynn; Sweet, Stearns and Forward; and *Chickering and Gregory,* by *Allen L. Chickering,* for Applicant.

BY THE COMMISSION.

OPINION.

San Diego Consolidated Gas and Electric Company asks permission to issue and sell at par $2,000,000 of its common capital stock for the purpose of paying outstanding indebtedness, reimbursing its treasury and financing the cost of construction.

The company also asks permission to pay all or a part of its common stock dividend during 1926 in common stock, should its board of directors deem it advisable, such stock to be a part of the $2,000,000 applied for in this proceeding.

Applicant reports that as of March 31, 1921, its construction expenditures made prior to that date were capitalized and that accordingly it has adopted that date as a starting point in estimating its construction as a basis for subsequent capitalization. Applicant reports in this application that between March 31, 1921, and December 31, 1925, net construction expenditures amounted to $11,145,918.87, as shown in some detail in Exhibit "D" and that it retired $550,000 of five year collateral trust notes due July 1, 1923, which had temporarily capitalized construction expenditures. Adding the two amounts makes a total of $11,695,918.87. From this amount there is deducted $1,209,-672.96 representing the increase in reserve for depreciation during the period, amortization of debt discount and expense and the increase in surplus, and $7,878,710.47 representing proceeds obtained from the sale of stock and bonds, leaving a balance of $2,607,535.44 which is said to represent uncapitalized construction expenditures as at December 31, 1925.

The company is applying for permission to issue the $2,000,000 of common stock against these expenditures of $2,607,535.44. It is of record that applicant obtained the money to make said expenditures of $2,607,535.44 by borrowing $1,575,000 on promissory notes and by investing earnings. The order herein will authorize the issue and sale of the $2,000,000 of stock at par and will provide that the proceeds may be used to pay indebtedness incurred for construction pur-

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poses and to reimburse its treasury on account of earnings used for the same purpose and to provide in part the cost of estimated construction for 1926.

There has been filed in this proceeding as Exhibit No. "2" a copy of the 1926 budget of capital requirements, showing estimated expenditures of $3,858,243 which is segregated as follows:

Electric Department:		
Production	$1,608,829 00	
Transmission	19,508 00	
Distribution	996,368 00	
		$2,624,705 00
Gas department:		
Production	$178,428 00	
Distribution	815,019 00	
		993,447 00
Steam sales department		33,728 00
General		206,363 00
Total		$3,858,243 00

Coming to the request for permission to issue stock as a dividend, it appears that applicant has outstanding $6,292,500 of preferred stock and $3,032,500 of common stock. On the preferred stock regular dividends have been paid at the rate of 7 per cent per annum, and on the common stock, during the past five years, at the rate of 10 per cent per annum, except in 1923 when only 8 per cent was paid. The annual dividend at the rate of 10 per cent on the common stock amounts to $303,250. Applicant "alleges that in paying dividends during the year 1926 on its said common stock, in order to keep in its treasury the money amount of the dividends on the common stock, if it should appear advisable to its board of directors, it may desire to pay all or a portion of such common stock dividends in its common stock at par." This request we feel can not be granted, for the reason that the Commission has no authority to authorize the issue of stock for the purpose of paying dividends. It may authorize upon proper showing the issue of stock for the purpose of enabling a utility to reimburse its treasury on account of earnings invested in properties. True, thereafter stock might be distributed as a dividend, but the amount of such distribution would be limited by the utility's surplus. The surplus of applicant is reported at $276,654.83 which we feel is the maximum amount of common stock that applicant can be permitted to issue to reimburse its treasury and thereafter distribute as a dividend. While applicant may have invested more than $276,654.83 of earnings in its properties, the excess is offset by reserves or accrued liabilities not due and any proceeds obtained from the sale of stock should be used to replenish the reserves or meet the liabilities when due, and not be distributed as a dividend.

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ORDER.

San Diego Consolidated Gas and Electric Company having applied to the Railroad Commission for permission to issue $2,000,000 of stock, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that San Diego Consolidated Gas and Electric Company be and it is hereby authorized to issue and sell at not less than par $2,000,000 of its common capital stock and to use the proceeds to pay indebtedness incurred in making capital expenditures, to reimburse its treasury on account of earnings invested in properties and to finance in part the estimated expenditures for capital purposes during 1926, provided that of the stock used to reimburse applicant's treasury on account of earnings invested in properties, an amount of not exceeding $276,600 may be used by applicant to pay dividends on its common stock, such payment to be in lieu of cash dividends on said stock.

The authority herein granted is subject to the following conditions:

1. Applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted shall become effective upon the date hereof, but under such authority no stock may be issued after December 31, 1926.

Dated at San Francisco, California, this third day of March, 1926.

DECISION NO. 16071.

IN THE MATTER OF THE APPLICATION OF THE SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING IT TO RETIRE FROM THE BUSINESS OF DISTRIBUTING WATER FOR DOMESTIC AND IRRIGATION PURPOSES AS A PUBLIC UTILITY THROUGH ITS MOUND WATER SYSTEM.

Application No. 11025.

Decided March 3, 1926.

ABANDONMENT - WATER UTILITY — SERVICE — PROTECTION OF CONSUMERS.—Southern California Edison Company authorized to discontinue public utility water service through its Mound Water System, conditioned upon service to its consumers being guaranteed, through the taking over of consumers residing within

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the city limits of Ventura by the municipal water system, and the filing of a stipulation by applicant with the Commission of its willingness to advance 50 per cent of the cost of one share of stock in the Mound Water Company, a mutual organization, for such of its consumers as may elect to apply for service from the mutual company.

BY THE COMMISSION.

OPINION ON FIRST SUPPLEMENTAL PETITION.

The Commission in Decision No. 15795, dated December 28, 1925, provided in its order that Southern California Edison Company be authorized to discontinue its public utility water service through its Mound Water System in the vicinity of Ventura, Ventura County, on and after the first day of April, 1926, and thereafter be relieved of its public utility obligations in connection therewith upon the condition that the Southern California Edison Company file with the Commission on or before March 1, 1926, a plan acceptable to the Commission setting forth arrangements whereby the existing utility consumers shall be assured of water service reasonably comparable with that now received and have by supplemental order received approval thereof.

On March 1, 1926, Southern California Edison Company filed its first supplemental petition setting forth the plan for giving service to the public utility water consumers now receiving service of water from said Mound Water System. The supplemental petition sets forth that

(1) On February 23, 1926, the board of trustees of San Buenaventura passed a resolution providing that the city through its municipal water department would at any time after July 1, 1926, assume the obligation to deliver water to consumers now supplied with water from the Mound Water System who are located within the city limits of said city not supplied under contract by the Edison Company, providing the company convey to the city without cost the water pipes, meters and services now used in supplying its consumers. This agreement will take care of all of the public utility water consumers within the city limits of Ventura.

(2) The Saticoy Water Company has agreed to supply one of the consumers, Mr. George Cassidy, if application for service is made by him.

(3) The Southern California Edison Company has negotiated with the Mound Water Company, the mutual water company, representing all non-public users of water from said system and from whom the system was originally acquired, for the conveyance of the said water system to the Mound Water Company under a proposed agreement, a copy of which is attached to the supplemental application. This proposed agreement to the petitioner has been approved by the directors of said Mound Water Company and will be submitted by the directors

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to the stockholders of said company on March 6, 1926. Under the terms of the agreement, the Southern California Edison Company agrees to continue to operate said Mound Water System to and including September 30, 1926, and on that date to convey said system to the Mound Water Company.

It further agrees to install certain equipment and to pay to Mound Water Company the sum of $25,000 which will be used during the coming season in repairs and rehabilitation of part of the system.

The proposed agreement provides that the Mound Water Company will at any time prior to September 30, 1926, sell one share of stock of said company at a price of $150 per share to each of the following named persons who may desire to purchase such stock: C. P. Barnes, J. Callens, Cecelia Cook, J. Dunn, Pete Conlan, Mrs. J. Moore, F. Pidduck, Charles Ready, M. J. Todd, J. Thille, M. H. Mendelsson, F. Cassidy, F. A. Dudley, F. Teffenteller, C. Brown, Ventura County Hospital, Elmer Suytar, Old Adobe Gun Club, T. W. Nell, J. Hitch, Y. N. Yearout and George Power. All of the persons thus named are public utility consumers of the Mound Water System and, under the agreement, the consumers upon the purchase of one share of stock in said Mound Water Company will be entitled to receive water from said company for domestic use and for the irrigation of one acre of land.

The Commission is of the opinion that the plan proposed by the Edison Company will satisfactorily guarantee service to the existing public utility consumers. It is of the opinion, however, that Southern California Edison Company should assist the several water consumers who are to be taken over by the Mound Water Company to the extent of paying one-half the cost of the share of stock necessary to give each of them service as mutual consumers of the Mound Company.

Under these conditions it would appear that Southern California Edison Company should be authorized to discontinue public utility service.

ORDER.

Southern California Edison Company having filed its first supplemental petition requesting approval of the plan set forth for the assurance to present public utility consumers of water service reasonably comparable to that which they are now receiving and the Commission being of the opinion that said plan is satisfactory;

It is hereby ordered, that Southern California Edison Company be and the same is hereby authorized to discontinue on and after the first day of October, 1926, its public utility service through its Mound Water System in the vicinity of Ventura, Ventura County, and thereafter be relieved of its public utility obligations in connection therewith.

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It is hereby further ordered, that Southern California Edison Company be and it is hereby authorized to discontinue its public utility water service on that part of its system and to those consumers served within the city limits of Ventura when and as the city of Ventura through its municipal water department shall take over the service of said consumers.

The above authority is subject to the following provisions:

(1) Southern California Edison Company shall file with this Commission within twenty (20) days of the date of this order a stipulation agreeing to assist each of the consumers who elect to take service from the Mound Water Company as mutual stockholders to the extent of paying one-half the cost of said one share of stock.

It is hereby further ordered, that Southern California Edison Company shall notify each consumer of its intent to discontinue service within ten (10) days of the date of this order and shall notify this Commission within ten (10) days from the date the service is discontinued.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this third day of March, 1926.

DECISION No. 16073.

IN THE MATTER OF THE APPLICATION OF THE FALL RIVER VALLEY TELEPHONE COMPANY, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY COVERING THE OPERATION OF A TELEPHONE AND TELEGRAPH UTILITY IN CERTAIN PORTIONS OF SHASTA AND LASSEN COUNTIES, CALIFORNIA.

Application No. 10791.

IN THE MATTER OF THE INVESTIGATION ON THE COMMISSION'S OWN MOTION OF THE SERVICE FURNISHED BY BASS TELEPHONE LINES IN THE TOWN OF FALL RIVER MILLS AND ADJACENT TERRITORY.

Case No. 2110.

Decided March 3, 1926.

RATES—TELEPHONE UTILITY—EXCHANGE SERVICE.—Fall River Valley Telephone Company authorized to reduce individual line residence rate 25 cents per month, and to increase party line business rate.

BY THE COMMISSION.

SECOND SUPPLEMENTAL ORDER.

Whereas, it appears that certain modifications should be made in the exchange service rates as set forth in Exhibit No. 1 under Schedule No. A-2, authorized in this Commission's Decision No. 15073, dated

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June 20, 1925, in the above entitled proceeding to correct a transposition of numbers,

It is hereby ordered, that that portion of Exchange Service Schedule No. A-2 under the caption "Rate" reading as follows:

Class of service	Rate per month per station, wall set
Individual line, business	$2 75
Individual line, residence	2 25
Party line, business	2 00
Party line, residence	1 50
Extension telephone on same premises as primary station, additional amount	75

shall be modified to read as follows:

Class of service	Rate per month per station, wall set
Individual line, business	$2 75
Individual line, residence	2 00
Party line, business	2 25
Party line, residence	1 50
Extension telephone on same premises as primary station, additional amount	75

It is hereby further ordered, that Fall River Valley Telephone Company shall submit for filing on or before March 31, 1926, Exchange Service Schedule No. A-2 modified as shown herein.

Dated at San Francisco, California, this third day of March, 1926.

DECISION No. 16077.

ALBERS BROTHERS MILLING COMPANY

vs.

SOUTHERN PACIFIC COMPANY.

Case No. 2125.

Decided March 3, 1926.

RATES—STEAM RAILROAD—GRAIN—DISCRIMINATION.—It is found that the rates from the west side stations in the San Joaquin Valley, Lyoth and south, to Oakland, discriminate against Oakland. Said discrimination ordered removed.

C. S. Connolly, for Complainant.
C. W. Durbrow and *J. E. Lyons*, by *J. E. Lyons*, for Defendant.
E. B. Smith and *R. W. Palmer*, for Sperry Flour Company, Intervener.
T. J. O'Hara, *J. J. Hogan* and *T. D. Kilkenny*, for Vallejo Chamber of Commerce, Intervener.
F. A. Somers, for Grangers' Business Association, Intervener.
R. P. McCarthy, for Globe Grain and Milling Company, Intervener.
Sanborn and Rochl and DeLancey C. Smith, by *H. H. Sanborn*, for Strauss & Company and Port Costa Warehouse Company.
J. C. Sommers, for Stockton Chamber of Commerce.
E. H. Weekbaugh, for Oakland Terminal and Elevator Corporation.

BY THE COMMISSION.

OPINION.

Complainant, Albers Bros. Milling Company, is a corporation organized under the laws of the state of Oregon, with offices in San Francisco and mills at Oakland.

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By complaint filed April 29, 1925, and as amended August 4, 1925, it is alleged that certain rates assessed by defendant and published in Southern Pacific Freight Tariff No. 793-B, C. R. C. 2487, for the transportation of carload shipments of grain and grain products to and from Oakland, subject complainant to undue prejudice and disadvantage and extend undue preference and advantage to competitors located at South Vallejo, Port Costa, Stockton and Sacramento.

The territory involved may be roughly described as embracing the greater part of the Sacramento and San Joaquin valleys, the main lines to Magunden on the south, Edgewood on the north and Blue Canon on the east, including the Napa and Placerville branches.

Nonpreferential and nondiscriminatory rates are sought for the future. Rates will be stated in cents per 100 pounds.

The interveners in opposition are the Sperry Flour Company, having mills at South Vallejo and Stockton; the Globe Milling Company and the Phillips Milling Company, with mills at Sacramento; the Port Costa Warehouse Company and Grangers' Business Association, with warehouses at Port Costa. All of these interveners are in active competition with the complainant.

The Vallejo Chamber of Commerce intervened in support of the maintenance of the adjustments as now existing in the rates.

Public hearings were held July 10 and 24 and October 5, 1925; briefs were filed by complainant, defendants and interveners, the final one January 27, 1926, and the matter having been duly submitted is now ready for an opinion and order.

The rates to Oakland, South Vallejo and Port Costa from the Sacramento and San Joaquin Valleys under attack in the instant proceeding are, in the most part, those before this Commission in Case No. 1463, *Albers Bros. Milling Company* vs. *Southern Pacific Company* (20 C. R. C. 1 and 21 C. R. C. 302), decided June 1, 1921, and March 6, 1922, respectively. In the decided proceeding, *supra,* many of the rates here in issue were adjusted; however, complainant now alleges that the particular adjustments ordered did not remove all of the claimed preference and discrimination.

Water competition has been and continues to be a controlling influence in the making of the rates to and from South Vallejo, Port Costa, Oakland, Stockton and Sacramento.

In connection with this phase and dealing particularly with the South Vallejo, Port Costa and Oakland situations in Case No. 1463, we said:

> The testimony, however, showed that the rate adjustment complained of has extended over a period of from 35 to 40 years and represented a forced schedule of rates by reason of the intense competition between the water and rail carriers in effect when regulation was not enforced. (20 C. R. C. 2.)
>
> The mill at Oakland, in addition to being served by the river and bay water carriers, has rail facilities not possessed by the mill at South Vallejo, inasmuch

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as Oakland is reached by defendant Southern Pacific Company, by The Atchison, Topeka & Santa Fe, the Western Pacific and the San Francisco and Sacramento Railroad. Stockton has as representative a transportation situation as Oakland, being served by the water carriers, by the Southern Pacific, The Atchison, Topeka & Santa Fe, the Western Pacific, Tidewater Southern Railway and California Traction. (20 C. R. C. 4.)

The evidence showed that in the establishment of grain rates, South Vallejo is given practically the same adjustment as Port Costa on tonnage moving to and from competitive river and bay points served by water carriers. Great quantities of grain are sent to South Vallejo and Port Costa by river and bay boats and it is because of this competition that the defendant in this proceeding found it necessary to carry South Vallejo and Port Costa on a rate parity. The complainant's contention that the South Vallejo rates are lower than the Oakland rates, regardless of the distance from the grain-growing districts in the San Joaquin and Sacramento valleys, created discrimination, was met by carrier's contention, as indicated above, that it has been forced to meet water competition at South Vallejo as well as at Port Costa and has, therefore, placed the ports of South Vallejo and Port Costa on the same basis from the Sacramento and San Joaquin valleys, the two ports being on opposite sides of Carquinez Straits and requiring no greater service by water carrier to serve one point than the other. (21 C. R. C. 307.)

Case No. 1463 and the instant proceeding do not involve the reasonableness of the grain rates *per se,* but only the allegation that there is discrimination. In our decision in Case No. 1463 we established rates from the Sacramento Valley to Oakland 1½ cents higher than to South Vallejo and Port Costa for distances not over 200 miles from Port Costa; 1 cent for distances over 200 miles and not over 300 miles, and a parity of rates for distances over 300 miles. From San Joaquin Valley points the Oakland rate was made 1 cent higher than South Vallejo and Port Costa for distances not over 200 miles from Port Costa and ½ cent for distances over 200 miles and not over 300 miles, with a parity of rates for distances over 300 miles. Oakland is 26.2 miles further from Sacramento Valley points and 14.6 miles from San Joaquin Valley points than is Port Costa.

In the operation of its Oakland mills applicant forwards by vessels from north Pacific coast points bran, oats, wheat, rye, middlings, mill run and grain offal. During the year 1924 it received from Portland, via McCormick Steamship Company, 8378 tons of these commodities, and from Seattle, via the Atlas Steamship Company, a corporation owned by complainant, 6480 tons, a total of 14,858 tons.

Complainant also purchases barley and other grains at California points and these commodities are sold locally, either in a crude or manufactured condition, or moved out via rail or steamer. California grain is generally bought f.o.b. shipping point and in most instances complainant deducts from consignor's account the freight charges to their mill at Oakland. The grain is transported from the inland points to Oakland either by rail or river boats, and for the first six months of 1925 the inbound nontransit whole grain tonnage was, via rail, 14,577,426 pounds and via water 19,440,732 pounds. The inbound water tonnage originated principally at points on or adjacent to the Sacra-

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mento River, San Joaquin River and in the delta regions tributary to the San Francisco Bay district.

Exhibits Nos. 7 and 8 show the export barley handled over the wharves in the San Francisco Bay region. For the year 1923 there were exported 11,477,650 bushels, equivalent to 550,927,200 pounds, or 275,463 tons, having a value of $8,941,361. The figures for the outbound movement are not segregated, but Exhibit No. 8 shows there was exported from Albers Bros. dock, Oakland, during 1923, exclusive of shipments handled by coastwise, bay or river steamers, a total of 32,604 tons, and for the period June to December, 1923, inclusive, there were moved from the grain terminal at San Francisco 26,350 tons. From these figures it may be conservatively estimated that approximately 215,000 sacks of barley were exported from Port Costa and South Vallejo. These figures are illustrative of the tremendous influence water competition exercises over the rates of this defendant.

The plant of the Sperry Flour Company is located at South Vallejo, a point on the Napa branch of the Southern Pacific, twenty miles from Suisun, and a short distance from Port Costa via air line across Carquinez Straits. This plant is served by the rails of the Southern Pacific Company, is accessible to ocean-going vessels and to the local river boats plying between Sacramento and San Joaquin Valley points. The plant at the present time is engaged principally in the manufacture of flour, but the company contemplates the erection at South Vallejo of a proprietary feed mill. The present capacity is 3600 tons per 24-hour day, with storage facilities of approximately 1,000,000 bushels of grain. The investment in plant and facilities is given at $2,144,829.78. During the year 1923 the South Vallejo mill produced 731,515 barrels of flour, 24,578 tons of mill feed and 11,432 tons of proprietary feed.

It is shown that for the calendar year 1923 there were received at South Vallejo from Sacramento and San Joaquin River points by river boats 17,892 tons of barley and 15,277 tons of wheat, a total of 33,169 tons, and many of the points of origin are not located directly on the rivers. For the same period, the rail receipts from California points were 20,954 tons of barley, 37,645 tons of wheat and 205 tons of other grains, a total of 58,804 tons, and from points outside of the state 27,896, a grand total, by rail, at South Vallejo for 1923 of 86,700 tons.

The general basis of ocean rates from north Pacific points to South Vallejo is 50 cents per ton over the San Francisco-Oakland rates. However, the ocean-going carriers do not in all instances observe this differential and in the past have frequently accorded South Vallejo the same rates as charged to San Francisco-Oakland.

The warehouse companies at Port Costa are engaged in storing, cleaning and grading grains, principally barley, for export. The combined storage capacity is 80,000 tons and the investment $950,000.

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These warehouses are all served by ocean-going vessels and the boat lines operating upon the Sacramento and San Joaquin rivers. There was testimony to the effect that if the present differential existing between Oakland and Port Costa is destroyed it will have a detrimental effect on the warehouses located at Port Costa and may force them out of business.

Numerous exhibits making comparisons of rates representative of those called into question and earnings thereunder with rates and earnings in other territories, also comparisons with rates on other commodities, were presented by complainants, defendants and interveners. All of these have been given careful study.

The grain rates in effect at Oakland, Port Costa and South Vallejo, and the differentials as between those stations, were established by our order in Case No. 1463 and reflect the past and existing competition between water and rail. The rail carriers would handle little, if any, of the grain tonnage produced in the Sacramento and San Joaquin valleys served by carriers by vessel should they fail to at least in part meet the competition.

A careful study has been made of the testimony, exhibits and briefs involving alleged discrimination against Oakland as compared with Port Costa and South Vallejo from Sacramento and San Joaquin Valley points, but nothing presented in this proceeding indicates that the basis prescribed in Case No. 1463 was not proper and equitable. However, there are minor adjustments requiring consideration; viz, the rate between Oakland and Blunt, Ivrea and Hooker 21½ cents, or 2½ cents higher than Port Costa; this differential should be 1½ cents, making a rate of 20½ cents, similar errors occur at other points, due no doubt to clerical mistakes, and defendant will be required to make a check of tariffs and correct the errors.

Oakland vs. Stockton.

The rate from Napa to Oakland is 9½ cents for 66 miles and from Napa to Stockton 9 cents for 108 miles; here Stockton has a disadvantage of 42 miles in distance and an advantage of ½ cent in the rate. Water competition is active at both points and, therefore, there is no justification for the preference allowed Stockton. At Oak Knoll, the next more distant point on the same branch, the situation is reversed, Oakland having a rate of 10½ cents for 70 miles as against 13 cents to Stockton for 113 miles. At Vanden, Cannon and Elmira the rate to Oakland is 10½ cents for 55 miles, to Stockton 9 cents for 77 miles. These rates are illustrative of the lack of uniformity and the disparity in rates to Oakland.

We find that the rates to Oakland from Napa and points on the Napa branch should be 1½ cents higher than Port Costa rates. We find that

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the rates to Oakland from Vanden, Cannon and Elmira should not be in excess of 8½ cents.

Oakland vs. Sacramento.

The Southern Pacific Company operates two lines between points in the San Joaquin Valley, one on the west side via Tracy and Los Banos, the other on the east side via Lathrop and Merced. The distance from the west side points to Oakland is approximately three miles less than to Sacramento, while from the east side Oakland is approximately 19 miles further than is Sacramento.

The following table, compiled from complainant's exhibit, is illustrative of the adjustment to Oakland and Sacramento from representative points:

West Side—

From	To	Rates	Distance
Crows Landing	Oakland	14	96.2
	Sacramento	13½	99.4
Trent	Oakland	15½	121.3
	Sacramento	16½	124.5
Los Banos	Oakland	15½	123.4
	Sacramento	16½	126.6
McMullin	Oakland	20	182.7
	Sacramento	19	185.9
Cando	Oakland	20½	199.8
	Sacramento	19½	203
Huron	Oakland	22	235
	Sacramento	21½	238.8
East Side—			
Modesto	Oakland	12½	96.2
	Sacramento	11½	77.8
Merced	Oakland	17	133.6
	Sacramento	16½	115.2
Fresno	Oakland	19½	188.6
	Sacramento	18½	170.2
Kingsburg	Oakland	20½	208.7
	Sacramento	19½	190.3
Bakersfield	Oakland	23	296
	Sacramento	23	277.6

These rates are not on a positive mileage grade. On the west side, where the distance favors Oakland by 3 miles, the rates at some points are on a parity, but at many stations the Sacramento rates are lower than the Oakland rates by from ½ to 3 cents. As compared with this adjustment we find that the rates to Port Costa, South Vallejo and Sacramento from San Joaquin Valley east side points, Manteca and south, are on a parity at all points and in this situation Port Costa, which is the basing point for the rates, is approximately 4 miles greater than to Sacramento.

We find as a fact that the rates from the west side stations in the San Joaquin Valley, Lyoth and south, to Oakland, discriminate against Oakland. An order will enter requiring defendant to remove

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the discrimination by publishing rates from this territory to Oakland not in excess of those now in effect to Sacramento from the same points.

We find that the present rates to Oakland from the east side stations in the San Joaquin Valley, Manteca and south, where the distance is approximately 19 miles greater than to Sacramento, are higher at practically all stations than to Sacramento, by 1 cent for distances under 200 miles, ½ cent for distances 200 to 300 miles and are on a parity for distances over 300 miles, an equitable and nondiscriminatory basis, and the rates should not be disturbed except to correct deviation from the scale. This adjustment is that established by defendant in connection with Case No. 1463. Defendant will adjust the rates in conformity with this finding, but not to exceed the rates now in effect to Sacramento at points 300 miles and over from Sacramento.

ORDER.

This case being at issue upon complaint and answer on file, having been duly heard and submitted by the parties, full investigation of the matters and things involved having been had, and the Commission having on the date hereof made and filed its opinion containing its findings of fact and conclusions thereon, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the Southern Pacific Company be and it is hereby ordered and required to desist on or before April 15, 1926, and thereafter to abstain from publishing, maintaining and applying rates not in accordance with the opinion which precedes this order.

It is hereby further ordered, that the Southern Pacific Company be and it is hereby ordered and required to establish on or before April 15, 1926, upon notice to this Commission and to the general public by not less than fifteen (15) days' filing and posting in the manner prescribed in section 14 of the Public Utilities Act and thereafter to maintain and apply, for the transportation of carload shipments of grain and grain products, the rates as described in the opinion which precedes this order.

Dated at San Francisco, California, this third day of March, 1926.

DECISION NO. 16078.

IN THE MATTER OF THE APPLICATION OF SONOMA VALLEY WATER, LIGHT AND POWER COMPANY, SONOMA CITY WATER WORKS AND SONOMA VISTA WATER COMPANY FOR PERMISSION TO SELL CERTAIN PROPERTIES TO THE SONOMA WATER AND IRRIGATION COMPANY; AND IN THE MATTER OF THE APPLICATION OF SONOMA WATER AND IRRIGATION COMPANY FOR PERMISSION TO PURCHASE SAID PROPERTIES AND TO ISSUE ONE HUNDRED THOUSAND DOLLARS OF ITS PREFERRED STOCK AND FIFTY THOUSAND DOLLARS OF ITS COMMON STOCK FOR THE PURPOSE OF ACQUIRING SAID PROPERTIES; TO CONSOLIDATE THE DISTRIBUTING SYSTEMS OF THE THREE PROPERTIES

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AND TO PUT IN A CONCRETE BOTTOM IN THE RESERVOIR NOW OWNED BY SONOMA VALLEY WATER, LIGHT AND POWER COMPANY.

Application No. 6637.

Decided March 3, 1926.

SECURITIES—STOCK—TO ISSUE—INDEBTEDNESS.—Previous order amended to permit payment of back taxes out of proceeds from sale of preferred stock.

BY THE COMMISSION.

EIGHTH SUPPLEMENTAL ORDER.

Sonoma Water and Irrigation Company asks permission to use $1,964.39 obtained from the sale of preferred stock to pay delinquent taxes which are a charge on property that it has acquired. The Commission by Decision No. 10089, dated February 15, 1922, authorized the Sonoma Water and Irrigation Company to acquire the properties of the Sonoma Valley Water, Light and Power Company and issue in payment therefor $40,000 of common stock, such properties to be acquired subject to an indebtedness of not exceeding $10,000.

In Decision No. 9683, dated October 31, 1921, the Commission authorized the company to issue $40,000 of common stock and to use $10,000 obtained from the sale of the preferred stock to pay for properties of the Sonoma Valley Water, Light and Power Company, such properties to be conveyed to the Sonoma Water and Irrigation Company free and clear of all encumbrances. Subsequently the company asked the Commission to modify its order in Decision No. 9683 so as to permit the Sonoma Water and Irrigation Company to purchase the properties subject to an indebtedness of not exceeding $10,000.

It appears to us that substantially all of the taxes, exclusive of some of the penalties, which the company now asks permission to pay through the use of proceeds obtained from the sale of preferred stock, are a charge which accrued against the properties prior to their acquisition by the Sonoma Water and Irrigation Company, and therefore should be paid out of the $10,000. The penalties due to the failure of former owners of the property to pay the taxes should likewise be charged to such owners, and the Commission's Decision No. 10089, dated February 15, 1922, be amended.

The Commission has considered applicant's request and believes that such request should be granted and that Decision No. 10089, dated February 15, 1922, should be amended as herein indicated; therefore,

It is hereby ordered, that the provision of Decision No. 10089, dated February 15, 1922, reading:

The common stock herein authorized to be issued shall be delivered to the Sonoma Valley Water, Light and Power Company in part payment for its properties more fully described in Schedule No. 1 attached to Decision No. 9683, dated October 31,

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1921, which properties the Sonoma Water and Irrigation Company is hereby authorized to purchase subject to an indebtedness of not exceeding $10,000.

be and the same is hereby modified so as to read:

The common stock authorized to be issued shall be delivered to the Sonoma Valley Water, Light and Power Company in part payment for its properties more fully described in Schedule No. 1 attached to Decision No. 9683, dated October 31, 1921, which properties the Sonoma Water and Irrigation Company is hereby authorized to purchase subject to an indebtedness of not exceeding $8,035.61.

It is hereby further ordered, that the order in Decision No. 9683, dated October 31, 1921, as amended, be and it is hereby further amended so as to permit Sonoma Water and Irrigation Company to use $1,964.39 obtained from the sale of its preferred stock to pay taxes and penalties due the county of Sonoma, and assessed against the properties formerly owned by the Sonoma Valley Water, Light and Power Company or its predecessors in interest and acquired by Sonoma Water and Irrigation Company.

It is hereby further ordered, that the order in Decision No. 9683, dated October 30, 1921, as amended, shall remain in full force and effect, except as modified by this eighth supplemental order.

Dated at San Francisco, California, this third day of March, 1926.

DECISION No. 16083.

CITY OF OAKLAND, A MUNCIPAL CORPORATION,

vs.

SOUTHERN PACIFIC COMPANY OF KENTUCY ET AL.

Case No. 1487.

IN THE MATTER OF THE APPLICATION OF WALKER D. HINES, DIRECTOR GENERAL OF RAILROADS, UNITED STATES RAILROAD ADMINISTRATION; SOUTHERN PACIFIC RAILROAD COMPANY, A CORPORATION, AND SOUTHERN PACIFIC COMPANY, A CORPORATION, FOR AN ORDER PERMITTING, REQUIRING AND DIRECTING THE OPERATION ON THE SOUTHERN PACIFIC EIGHTEENTH STREET ELECTRIC LINE IN THE CITY OF OAKLAND OF AS MANY MORE THAN TWO CARS PER TRAIN AS WILL PROPERLY AND ADEQUATELY ACCOMMODATE THE PASSENGER TRAFFIC OFFERED FROM TIME TO TIME.

Application No. 5026.

IN THE MATTER OF THE APPLICATION OF SOUTHERN PACIFIC COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE EXERCISE BY IT OF FRANCHISE GRANTED BY ORDINANCE No. 3498, N. S., OF THE CITY OF OAKLAND, AND FOR AUTHORITY TO OPERATE ITS SO-CALLED EIGHTEENTH STREET LINE IN THE CITY OF OAKLAND, IN ACCORDANCE WITH SAID FRANCHISE; AND FOR AUTHORITY TO CONSTRUCT, RECONSTRUCT, OR RELOCATE SUCH GRADE CROSSINGS AS MAY BE NECESSARY IN CONNECTION WITH THE EXERCISE OF SAID FRANCHISE.

Application No. 12427.

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IN THE MATTER OF THE APPLICATION OF SOUTHERN PACIFIC COMPANY FOR AUTHORITY TO DISCONTINUE TEN-MINUTE STREET CAR SERVICE ON ITS SO-CALLED EIGHTEENTH STREET LINE IN THE CITY OF OAKLAND, IN ACCORDANCE WITH ORDINANCES Nos. 3483, N. S., AND 3484, N. S., OF THE CITY OF OAKLAND.

Application No. 12448.

Decided March 8, 1926.

TRANSPORTATION—ELECTRIC RAILWAY—LOCAL SERVICE.—Permission granted Southern Pacific Company to exercise rights and privileges under its so-called Eighteenth street line franchise in the city of Oakland, and to cross at grade Franklin street, Twentieth, Fourteenth, Thirteenth, Second and Webster streets, and to reconstruct and operate over existing crossings of Nineteenth, Seventeenth, and Fifteenth streets. Local stops authorized, permitting abandonment of present local service on so-called "dinky" line.

E. J. Foulds, for Southern Pacific Company.
Leon E. Gray, for City of Oakland.
Henry C. McPike, for Webster Street Improvement Club.
Oliver Kehrlein, for Property Owners on Webster Street.
Bessie Wood Gustason, for Business Women's Holding Company.
James Rennie, in propria persona.
William Edward Thompson, for Miss Lucy Fay Thompson and David P. Thompson.
W. H. Weilbye, in propria persona.
Alice M. Brookman, for the Y. W. C. A. on Webster Street.
George E. Sheldon, for the Uptown Association.
M. Goldwater, in propria persona.
Charles Quale, for Protesting Property Owners.
R. M. Fitzgerald, for Archon Company, Protestant.

DECOTO, *Commissioner.*

OPINION.

The matters before the Commission in the above entitled proceedings are all closely related and interlocked one with the other. With the consent of the interested parties, they were consolidated for hearing and decision, the hearing being held on February 4, 1926, at which time the matters were submitted.

Southern Pacific Company is the petitioner in all of the matters now pending in these proceedings, having filed a petition in each proceeding in January, 1926.

In Application No. 12427, filed January 13th, the Southern Pacific Company asks for a certificate of public convenience and necessity for the exercise by it of franchise granted by the city council of the city of Oakland on January 8, 1926, in Ordinance No. 3497, N. S., and for authority to operate its so-called Eighteenth street line in the city of Oakland in accordance with said franchise; and for authority to construct, reconstruct or relocate such grade crossings as may be necessary in connection with the exercise of said franchise.

In Application No. 5026, Southern Pacific Company filed, on January 14th, an application for the annulment of the order in this Commission's Decision No. 8597, dated January 26, 1921, in which order authority to operate three-car trains over the so-called Eighteenth street line was denied. This annulment of Decision No. 8597 is requested in

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order that the railroad company may take advantage of amendments to section 23 of Ordinance No. 3089 and section 20 of Ordinance No. 3205, which amendments were passed and adopted by the city council of the city of Oakland on December 28, 1925, and became effective on December 31, 1925. These amendments grant to the railroad company the right to operate three-car trains, the cars of which are to conform to those specified in this Commission's Decision No. 15175, dated July 13, 1925 (Case No. 1487). The original ordinances limited the number of cars per train to two and covered that portion of the so-called Eighteenth street line from Fourteenth and Franklin street station to the Sixteenth street station via Franklin street.

In Case No. 1487, Southern Pacific Company filed, on January 14, 1926, a petition for a modification of Decision No. 15175, dated July 13, 1925, in order to permit Southern Pacific Company to operate its so-called Eighteenth street line in conformity with section 16 of franchise granted by Ordinance No. 3497, N. S., duly passed and adopted by the city council of the city of Oakland on January 8, 1926. Said section 16 of Ordinance No. 3497, N. S., permits the Southern Pacific to operate trains of three cars of a type and size authorized in said Decision No. 15175 but also permits that when additional sections of such trains are necessary such additional sections may consist of trains of not more than three cars of the type now operated under the franchise granted by Ordinance No. 3089.

Said section 16 and Ordinance No. 3497, N. S., cover that portion of the trackage from Second and Webster streets to Twentieth and Franklin streets including trackage proposed to be jointly operated with Key System Transit Company on Webster street from Fourteenth street to Twentieth street and the ordinance and section thereof under which certificate is requested under Application No. 12427.

In Application No. 12448, filed on January 19, 1926, Southern Pacific Company requests authority to discontinue the operation of the street car service on the so-called Eighteenth street line between Sixteenth street station and Fourteenth and Franklin street station. The council of the city of Oakland on December 28, 1925, passed and adopted Ordinances Nos. 3483, N. S., and 3484, N. S., repealing section 3 of Ordinances Nos. 3089 and 3205, respectively, the repeal of said section 3 becoming effective on December 31, 1925. Said section 3 required that cars for passengers must be operated over said street railroad between the hours of 7 a.m. and 9 p.m. of each day, at intervals of not more than ten minutes and between the hours of 9 p.m. and 12 p.m. of each day at intervals of not more than twenty minutes.

Referring first to Application No. 12427: the certificate desired by Southern Pacific Company therein is for the exercise by it of a franchise (Ordinance No. 3497, N. S.,) over the route authorized by this

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Commission in Decision No. 14618, dated March 4, 1925 (Case No. 1487), as a substitute for the present route via Franklin street from Fourteenth street to Twentieth street which, in the same decision, the railroad company was authorized to discontinue. Very voluminous testimony was taken at the hearings in Case No. 1487 on which said Decision No. 14618 was based and nothing new or to the contrary was offered in evidence by the protestants at the hearing held on February 4, 1926, which would show that the position taken by the Commission in Decision No. 14618 should be modified. It therefore appears that the application of Southern Pacific Company for a certificate of public convenience and necessity should be granted.

Southern Pacific Company also requests authority in Application No. 12427 for permission to construct or reconstruct the necessary grade crossings involved in the exercise of the above franchise. It was testified by Southern Pacific Company's witness that the crossings involved over the new route would not be substantially different from those on the existing route and would not involve any greater hazards and in fact, at Fourteenth street, would be less hazardous as trains and cars would be moving directly across the street intersections at Webster street instead of swinging through the arc of a curve diagonally across the intersection as is now done at Franklin street. It appears that the application to construct these crossings should also be granted.

In application No. 5026, Southern Pacific Company seeks an annulment of Decision No. 8597 in order that the railroad company may take advantage of amendments to section 23 of Ordinance No. 3089 and section 20 of Ordinance No. 3205, which amendments allow of the operation of trains of three cars of a type specified in Decision No. 15175, dated July 13, 1925 (Case No. 1487). Ordinance No. 3497 covering that portion of the line from near First and Webster streets to Twentieth and Franklin streets via Webster and Twentieth streets, grants permission to operate three-car trains of the above described type. With the disposal of the block of property at Fourteenth and Franklin streets no convenient location will exist in which to break up trains of three cars into trains of a lesser number of cars in case Decision No. 8597 is allowed to remain in force over that portion of the trackage from Franklin street to the Sixteenth street station. In fact the act of breaking up such trains would cause congestion of traffic and considerable public inconvenience and slowing up of service, if such act took place in the city streets. Testimony by witness for Southern Pacific Company shows that two cars of the large type now operated on the so-called Eighteenth street line hold some twenty more passengers than three cars of the narrower type specified in Decision No. 15175. The operation of three-car trains of the larger type of car, as additional sections of train during the peak

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hours or on such occasions as may require a greater seating capacity than that afforded by trains of the three smaller type cars, should not greatly inconvenience street traffic as such peak hours of train operation in general occur before or after other street traffic is at its daily maximum intensity. Operation of the large cars is necessary at present under Decision No. 14618 which required Southern Pacific Company to furnish before June 30, 1926, seven cars of the narrow type, enough for three two-car trains, not quite equivalent in capacity to two trains of two cars of the large type, and which permits operation of the large type of car when exigencies of the service demand such operation. It, therefore, appears reasonable and in the public interest to allow of the operation of trains of three cars of the narrower type specified in said Decision No. 15175 over this whole route in accordance with the wishes of the city of Oakland as set forth in the amended ordinances. The order will so provide.

In Case No. 1487, Southern Pacific Company requests a modification of Decision No. 15175 in order that three-car trains may be operated as hereinbefore set forth. Said Decision No. 15175 limits the trains to two cars, which was in conformity with the original ordinances. There appears to be no further points to be covered in this application under Case No. 1487, which have not already been touched on in the foregoing sections of this opinion, and in conformity with the conclusions set forth therein it is recommended that this application of defendant Southern Pacific Company be granted in order that the decision of the Commission in this proceeding may be made to conform to the conclusions arrived at in those other proceedings already discussed and with which it is closely related, if not an actual part.

In Application No. 12448, Southern Pacific Company, as already stated, desires to discontinue the operation of its street car service on the so-called Eighteenth street line between Sixteenth street station and Fourteenth and Franklin streets.

Evidence offered by Southern Pacific Company shows that for the year 1924 the revenue from the "dinky" or small street cars amounted to $14,384; that wages amounted to $20,765.34 and estimated power consumed amounted to $6,599.68, which shows a deficit of $12,981.02 for the year based on wages and power alone and not taking into account other items such as maintenance of equipment, interest on investment, etc. Southern Pacific Company proposes that this street car service be performed by the larger cars operated to Oakland pier and which stop at certain fixed points instead of at every street intersection. These large cars now do a portion of the local business between Sixteenth street and Fourteenth and Franklin streets and intermediate points. Protestants claim that the small street cars have never had a chance to pay their way on account of the larger

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cars performing a competing service over the same territory but it appears more likely that the chief reason for the failure to attract patronage would be due to the short length of the line and its lack of transfer privileges as compared to such privileges offered by the competing lines of the Key System Transit Company via Sixteenth, Fourteenth and Twelfth streets. Public convenience and necessity do not appear to require that two practically identical services be operated over this line, with two different sets of equipment, and it is recommended that the application be granted.

ORDER.

Southern Pacific Company having filed applications with the Commission for certain orders under the above numbered and entitled proceedings, as set forth in the above opinion, a public hearing having been held, the Commission being apprised of the facts, the matters being under submission and ready for decision:

It is hereby declared that public convenience and necessity require the exercise by Southern Pacific Company of franchise granted by Ordinance No. 3497, N. S., passed and adopted on January 8, 1926, by the city council of the city of Oakland.

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted to Southern Pacific Company for the exercise of said franchise granted by said Ordinance No. 3497, N. S.

It is hereby further ordered, that Southern Pacific Company be and it is hereby authorized to operate its so-called Eighteenth street line in accordance with the terms and conditions set forth in said Ordinance No. 3497, N. S.

It is hereby further ordered, that permission and authority be and it is hereby granted to Southern Pacific Company to construct its so-called Eighteenth street line at grade across Franklin street and Twentieth street at and/or near the intersection of Franklin and Twentieth streets, across a portion of Webster street near Twentieth street, across Fourteenth and Thirteenth streets in Webster street and across Second street and a portion of Webster street at the intersection of Second and Webster streets, and to reconstruct and to operate over existing crossings of Nineteenth, Seventeenth and Fifteenth streets, all in the city of Oakland, county of Alameda, State of California, as shown by the map (East Bay Division Dwg. 3583, Case M-47) attached to the application; said crossings to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

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(2) Said crossings shall be constructed substantially in accordance with Standard No. 4, as specified in General Order No. 72 of this Commission and shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails flush with the pavements, and with grades of approach not exceeding one (1) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

It is hereby further ordered, that this Commission's Decision No. 8597, dated January 26, 1921, be and it is hereby rescinded and that Application No. 5026 be and it is hereby dismissed.

It is hereby further ordered, that Southern Pacific Company be and it is hereby authorized to operate its so-called Eighteenth street line in accordance with Ordinances Nos. 3483 and 3484, N. S., amending Ordinances Nos. 3089 and 3205, respectively.

It is hereby further ordered, that this Commission's Decision No. 15175, dated July 13, 1925 (Case No. 1487), be and it is hereby modified to permit of the operation in accordance with section 16 of Ordinance No. 3497, N. S., by Southern Pacific Company over the lines involved in said proceeding, of trains of not more than three cars of the type and size described in said Decision No. 15175 except that when additional sections of such trains are necessary over and above the normal and regular cars or trains operated in such service, such additional sections may consist of three cars of the type now and heretofore operated in such service. Any provisions of said Decision No. 15175 which may conflict with said section 16 of Ordinance No. 3497, N. S., are superseded hereby.

It is hereby further ordered, that Southern Pacific Company be and it is hereby authorized to discontinue ten-minute street car service on its so-called Eighteenth street line in the city of Oakland; provided, however, that Southern Pacific Company shall continue to render local street railroad service along said Eighteenth street line by means of

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its trains operating through to Oakland pier, stopping at intervals spaced approximately five (5) to the mile.

For all other purposes this order shall become effective twenty (20) days from the making thereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this eighth day of March, 1926.

DECISION NO. 16084.

WESTERN MEAT COMPANY

vs.

MINARETS AND WESTERN RAILWAY COMPANY.

Case No. 2207.

Decided March 8, 1926.

RATES—STEAM RAILROAD—SANDING OF CARS.—Defendant ordered to pay complainant $110.74 as reparation on account of unreasonable charges for sanding two cars, and transportation of two double deck 36-foot cars of lambs from North Fork to Friant and destined to South San Francisco.

BY THE COMMISSION.

OPINION.

Complainant is a corporation with its principal place of business at South San Francisco. By complaint filed December 24, 1925, it is alleged that the transportation and sanding charges assessed by defendant on two 36-foot double deck cars of lambs moving May 23, 1924, from North Fork to Friant over the line of defendant and destined to South San Francisco on the line of the Southern Pacific Company, were unjust and unreasonable to the extent they exceeded a transportation charge of $38 per car and a sanding charge of $1.50 per car. The charges of the Southern Pacific Company for performing the service from Friant to South San Francisco are not in issue. Reparation only is sought.

The lawfully applicable rate in effect from North Fork to Friant on the date the shipments moved was the Class B rate of 28 cents per 100 pounds, minimum weight 32,096 pounds, plus a sanding charge of $5 per car, as published in defendant's Local Freight Tariff No. 1, C. R. C. No. 1, and Circular No. 1, C. R. C. No. 2, respectively.

Effective November 25, 1924, defendant established a commodity rate of $38 per 36-foot double deck car applicable to the transportation of lambs from North Fork to Friant, and effective December 8, 1924, reduced the charge for sanding double deck cars from $5 per car to $1.50 per car. Complainant bases its plea for reparation upon these lower charges, established subsequent to the date of movement.

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This claim was presented to the Commission informally, Reparation Docket 33743, September 30, 1925, but since the rates and charges to the basis of the reparation sought were not published within six months subsequent to the date the shipments moved, as required by Rule 102 of Tariff Circular No. 2, informal reparation authority could not be granted.

Defendant, by formal answer, admits all the allegations of the complaint and has signified a willingness to make a reparation adjustment. Therefore, under the issues as they now stand, a formal hearing will not be necessary.

Upon consideration of all the facts of record, we are of the opinion and find that the rate of 28 cents per 100 pounds, minimum weight 32,096 pounds, and the sanding charge of $5 per car, assessed by defendant for the transportation of two 36-foot double deck cars of lambs moving from North Fork to Friant on May 23, 1924, and destined to South San Francisco, were unreasonable to the extent they exceeded the subsequently established rate of $38 per 36-foot double deck car and a sanding charge of $1.50 per car.

We further find that the complainant paid and bore the charges on the shipments in question and has been damaged to the extent of the difference between the charges paid and those that would have accrued at the charges herein found reasonable and that it is entitled to reparation in the sum of $110.74.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendant, Minarets and Western Railway Company, be and it is hereby authorized and directed to refund to complainant, Western Meat Company, $110.74 as reparation account unreasonable charges collected for the sanding of two cars and for the transportation of two 36-foot double deck cars of lambs involved in this proceeding, moving from North Fork to Friant May 23, 1924, and destined to South San Francisco.

Dated at San Francisco, California, this eighth day of March, 1926.

DECISION NO. 16088.

IN THE MATTER OF THE APPLICATION OF CITY OF REEDLEY, STATE OF CALIFORNIA, FOR A PERMIT TO CONSTRUCT AND MAINTAIN A PUBLIC STREET AT GRADE OVER THE RIGHTS OF WAY AND TRACKS OF THE SOUTHERN PACIFIC COMPANY AND THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AT FIFTEENTH STREET IN THE CITY OF REEDLEY.

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Application No. 12014.

Decided March 8, 1926.

GRADE CROSSING—STEAM RAILROAD—RAILROAD YARDS.—Reaffirming its stand that more than the usual public convenience and necessity must exist before a public street should be opened through the middle of a railroad yard, the Commission finds that no such public convenience and necessity exist in the present application for a crossing over two railroad yards. Application denied.

Loren A. Butts and *Mark H. Edwards*, for the City of Reedley.
H. W. Hobbs, for Southern Pacific Company.
Jas. Gallagher, for The Atchison, Topeka and Santa Fe Railway Company.

BY THE COMMISSION.

OPINION.

This is an application by the city of Reedley to open Ffteenth street across the tracks of the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company. Public hearing was held at Reedley before Examiner Austin on January 22, 1926, at which time the matter was submitted.

The city of Reedley is approximately 20 miles southeast of the city of Fresno and is approximately one mile square. The city proper is bounded on the north by North avenue, on the west by West avenue, on the south by South avenue and on the east by East avenue. The two railroad companies run diagonally through the city in a northwesterly and southeasterly direction, parallel to each other and with main lines approximately 190 feet apart. All of the main streets within the area above described are either parallel to or at right angles to the railroad tracks, the northwesterly and southeasterly streets being lettered from A to M and the northeasterly and southwesterly streets, which cross the tracks, being numbered from Sixth to Sixteenth. The main highways in and out of town are to the north across the railroad tracks via West avenue, to the northeast via Eleventh street and to the south and east via South avenue. There is also a north and south street, called Holmes road, leading north from town from the junction of Tenth and D streets, and a north and south road, called Mallory lane, leading south from town from the junction of Fifteenth and I streets. These two north and south roads are directly in line with each other but on opposite sides of the city.

West avenue is paved for the full length of the city limits. North avenue is paved from F street west to West avenue. East avenue is unpaved and is occupied by an irrigating canal. This canal is spanned by bridges at Duff, August and McGrew avenues. South avenue is paved from Mallory lane to the easterly city limits. Holmes road and Mallory lane are both paved to the city limits. F, G and I streets are paved for their full length within the city. Eighth street is paved from F street to West avenue, Tenth street is paved from Holmes road to West avenue, Eleventh street is paved from West avenue

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northeast to city limits, Twelfth street is paved from the west side of the Santa Fe tracks to F street, and Thirteenth street is paved from I street to F street. The remaining streets are unpaved and Fourteenth and Sixteenth streets have been closed from the Santa Fe tracks to the alley between the Santa Fe tracks and G street.

The main business district of Reedley is situated on G street from Tenth to Twelfth street. A little more than one-half of the population also lives on this side of the railroad tracks. Chinatown is situated in the triangle formed by Fourteenth and I streets and South avenue on the westerly side of the Santa Fe tracks. Fifteenth street, which it is proposed to open under this application, extends three blocks east of the Santa Fe tracks to the irrigating canal in East avenue and two and one-half blocks west of the Southern Pacific tracks, through Chinatown, to South avenue.

Between G street and the Santa Fe tracks on Fifteenth street are four industries. The Earl Fruit Company and the Reedley Ice Company are on the north side of Fifteenth street, the former being adjacent to the Santa Fe tracks and the Ice Company on the west corner of G and Fifteenth streets. The Dinuba Grape Growers Association and the California Table Fruit Company are on the south side of Fifteenth street, the Dinuba Grape Growers Association being situated next to the Santa Fe tracks.

The evidence shows that the principal reasons for desiring the construction of the Fifteenth street crossings are to afford an outlet to the west for the Reedley Ice Company, for teams serving the three fruit companies above mentioned and as an additional outlet for the fire department, which is located on Tenth street just east of the Santa Fe tracks. It is claimed by applicant that at times the crossings at Tenth, Eleventh and Thirteenth streets are blocked by trains and the fire department is therefore required to double back after crossing the tracks at South avenue at the southerly town limits, in order to reach fires in the southerly portion of the town.

The evidence of applicant shows, however, that the main reason it desires to open this crossing is to relieve traffic congestion in that portion of Fifteenth street lying between the Santa Fe tracks and G street. This congestion is caused by traffic turning into Fifteenth street from G street in order to get deliveries from the Reedley Ice Company. During the summer season, which is also the busy fruit season, congestion in this block makes it difficult to turn around and causes further congestion by such traffic again endeavoring to enter G street. It is contended by applicant that if this crossing were opened, this traffic could continue southwest across the railroad tracks to I street, then north or south on I street to Thirteenth street or South avenue, respectively, and then east again on Thirteenth street or

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South avenue to G street, crossing both railroads a second time. However, it was pointed out by the protestant Southern Pacific Company that it would be just as difficult to enter the traffic on G street at Thirteenth street as it would at Fifteenth street.

The carriers contend that the congestion in Fifteenth street between the Santa Fe tracks and G street during the summer months can be relieved by the paving of the alley running longitudinally through blocks 47 and 48. This alley is crossed by spur tracks, one in block 47 and one in block 49, but these crossings would not interfere with the use of the alley as a public street. It appears to the Commission that if this paving were laid considerable of the traffic congestion would be relieved and the necessity of constructing a hazardous railroad crossing minimized.

The nearest public crossings to Fifteenth street are at Thirteenth street to the northwest and South avenue to the southeast. Each of these crossings is approximately 950 feet distant from Fifteenth street on the Santa Fe and 950 and 750 feet distant, respectively, on the Southern Pacific. There are four other crossings in town at Twelfth, Eleventh, Tenth and West avenue. Twelfth street crosses the Santa Fe tracks but does not cross the Southern Pacific.

The proposed crossing would be over three Southern Pacific tracks and seven Santa Fe tracks. One of the Santa Fe tracks is approximately one-half block east of the main line and is parallel to and 40 feet west of the northeasterly line of the alley traversing the block on the east side of the Santa Fe. The most westerly Santa Fe track is a scale track. In order to construct this crossing it would be necessary to remove this scale track and the scale house, which latter is located within the lines of Fifteenth street.

Witness for The Atchison, Topeka and Santa Fe Railway Company testified that it would cost approximately $7,000 to relocate this scale and track and from $2,500 to $3,000 to construct the crossing of the Santa Fe tracks. On the same basis it may be estimated that it would cost between $1,000 and $1,500 to construct the crossing on the Southern Pacific tracks. Both of the railroad companies objected to the construction of this crossing through their yards.

The testimony shows that there would be considerable hazard at the crossing on account of the number of tracks and obstructions to view, caused by the location of the packing houses on the easterly side of the Santa Fe and westerly side of the Southern Pacific Company and by cars standing on the sidings serving these packing houses. The testimony further shows that this crossing would require greater protection than that afforded by a standard crossing sign but that automatic flagmen would not be satisfactory on account of the num-

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ber of switching movements over the side tracks. The protection recommended was the installation of a human flagman.

The railroad companies contended that the busy season at the ice company and the fruit packing houses is also the busy season in the railroad yards and that it is desirable to place as many cars as possible at one time opposite these packing houses, which sometimes causes strings of cars to encroach slightly on the street lines, making the crossings more hazardous. They further contended that the location of their stations is such that northbound trains would block Fifteenth street crossing as well as Thirteenth street but this would only occur on the Southern Pacific in trains of more than 45 cars and on the Santa Fe in trains of more than 32 cars. Northbound and southbound freight trains would have to be at the station at the same time in order to block all of the crossings in town from West avenue to Fifteenth street.

The Southern Pacific Company stated that it would be necessary to move the building on the southeasterly side of Fifteenth street and west of its tracks some 25 feet back of the property line as the Southern Pacific requires this 25 feet clear space in order to afford additional protection at the crossing through the unimpaired view afforded by this set back. This building belongs to the Kings County Canning Company which, it was testified, desires to extend its plant directly across Fifteenth street.

The Santa Fe operates four passenger trains at high speed over this crossing and a number of freight and switching moves. The Southern Pacific Company likewise operates four passenger trains and an additional four or five freight trains. During the fall fruit season of 1925, the Southern Pacific Company operated eight freight trains daily, which consumed from six to eight hours switching time at Reedley. The Santa Fe showed that during the months from July to the middle of November, 1925, it handled 2100 carloads of green fruit out of Reedley and had a regular switch engine service established at this point from 4 a.m. to the middle of the afternoon.

In its Decision No. 15859, dated January 15, 1926, the Commission has held that more than the usual public convenience and necessity must exist before a public street should be opened through the middle of a railroad yard. In this instance we have a public street which it is desired to open across two railroad yards. Testimony shows that Fifteenth street is short, is not a main artery and will serve not more than five industries and patrons and a small sparsely settled residence section of the city.

The Commission is of the opinion that the opening of a crossing such as this through two railroad yards is not justified primarily from a desire on the part of applicant to regulate traffic on a dead end street and at its intersection with a principal business street in order to relieve

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the congestion caused by the operation of two or three industries which are operated at capacity for only a portion of the year, particularly when as in this instance other means of ingress and egress to these industries can be made available. In addition in this case a portion of the testimony introduced by applicant questions the hazard at such street intersection.

It appears from the record that the granting of this application would not be in the interests of the safety, convenience, and necessity of the public as a whole and that the application should be denied.

ORDER.

The city of Reedley having on January 11, 1926, made application for permission to open Fifteenth street across the tracks of the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision;

It is hereby ordered, that the above entitled application be and the same is hereby denied.

Dated at San Francisco, California, this eighth day of March, 1926.

DECISION No. 16089.

IN THE MATTER OF THE APPLICATION OF FRED A. MOSES FOR PERMISSION TO ISSUE A NOTE, EXECUTE A MORTGAGE TO SECURE THE PAYMENT OF SUCH NOTE, AND INCREASE RATES.

Application No. 12425.

Decided March 8, 1926.

SECURITIES—NOTES—TO ISSUE.—Application granted.

Fred A. Moses, in propria persona.

BY THE COMMISSION.

OPINION.

Fred A. Moses, engaged in the business of furnishing water for domestic consumption in the town of Newark, Alameda County, asks permission to issue a one-year 6 per cent note for $1,500, execute a mortgage to secure the payment of such note, and increase water rates.

Applicant did not submit a detailed appraisal of his properties but represents the cost thereof at $2,470. D. H. Harroun, assistant engineer for the Commission, in the Commission's Exhibit No. 1, reports the estimated historical cost of applicant's properties at $2,741, and finds that the depreciation annuity, on a 5 per cent sinking fund basis, amounts to $62.66 per annum. The properties consist of a lot 50 x 200 feet, a well, a pump, a 4000-gallon redwood tank on a 24-foot

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tower, 35 services and 4520 feet of pipe consisting of 2560 feet of 2-inch pipe, 1360 feet of ¾-inch pipe, and 600 feet of 1-inch pipe. Applicant proposes to install a new pump and about 600 feet of 3-inch pipe, in order to improve his service.

Fred A. Moses now charges his consumers a flat rate of either $1.50 or $1.25 per month. He asks permission to put into effect a meter rate similar to that of the East Bay Water Company and the following schedule of flat rates:

Minimum rate	$1 50 per month
Additional charge for toilet	75 per month
Additional charge for lawns or gardens	50 per month
Additional charge for vegetable gardens	50 per month

He estimates his revenue under the new flat rates at $909 compared with an actual revenue of $500 during 1925.

A number of applicant's consumers appeared at the hearing and called the Commission's attention to the fact that at times they have been unable to get any water for several hours or for the greater part of a day, that no notice is being given when the pump or pipe line is being repaired, and that the shutdown of the service or the failure to deliver water has resulted in consumers' appliances, particularly hot water heaters, being destroyed. Some consumers objected to a rate increase, others take the position that no increase should be granted unless they are assured a continuous and adequate water supply. Applicant admitted that his water service was not satisfactory but expects to improve the same by the installation of a new pump and pipe.

These improvements should be made forthwith. When the improvements are installed and the service improved we will in a supplemental opinion and/or order consider the matter of a rate increase.

Applicant has filed a copy of his proposed mortgage which we find to be in satisfactory form.

ORDER.

Fred A. Moses having applied to the Railroad Commission for permission to issue a $1,500 note, execute a mortgage to secure the payment of such note, and to increase rates, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of the note is reasonably required by applicant, and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and that the matter of an increase in rates should be considered in a supplemental opinion and/or order;

It is hereby ordered, that Fred A. Moses be and he is hereby authorized to issue a $1,500 one-year 6 per cent note, and execute a deed of

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trust to secure the payment of such note, said deed of trust and note to be substantially in the same form as the deed of trust and note filed with the Railroad Commission on March 2, 1926, provided, that the authority herein granted to execute a deed of trust is for the purpose of this proceeding only, and is granted in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of said mortgage as to such other legal requirements to which said mortgage may be subject.

It is hereby further ordered, that Fred A. Moses shall use the proceeds obtained from the issue and sale of the note to refund a $1,250 note now payable to the Bank of Italy and to pay in part the cost of the new pump and pipe referred to in the foregoing opinion.

It is hereby further ordered, that the authority herein granted to issue a note will become effective when applicant has paid the minimum fee prescribed by section 57 of the Public Utilities Act, which minimum fee is $25. Applicant shall file with the Railroad Commission reports as required by the Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this eighth day of March, 1926.

DECISION No. 16091.

IN THE MATTER OF THE APPLICATION OF GREAT WESTERN POWER COMPANY OF CALIFORNIA FOR AUTHORITY TO ISSUE AND SELL TWO MILLION DOLLARS PAR VALUE OF SIX PER CENT PREFERRED STOCK.

Application No. 12518.

Decided March 8, 1926.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Application granted.

Chaffee E. Hall, for Applicant.

BY THE COMMISSION.

OPINION.

In this application Great Western Power Company of California asks the Railroad Commission to make an order authorizing it to issue and sell 20,000 shares of its 6 per cent cumulative preferred stock of the aggregate par value of $2,000,000 at not less than 91 per cent of par value, net, for the purpose of obtaining funds to reimburse its treasury because of expenditures for capital purposes made prior to January 1, 1926, and to finance in part the cost of additions, betterments and extensions it is estimated will be made during 1926.

The company reports expenditures heretofore made and estimates of construction work heretofore filed with the Commission of $7,990,795.86, estimated expenditures for 1926 of $5,022,552.67 and the cost of

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retiring certain bonds of $330,696.75, the three items aggregating $13,344,045.28. From this amount, however, it deducts $6,155,033, representing the proceeds received, or to be received, from the sale of stock heretofore authorized, leaving a balance of $7,189,012.28 against which no stock has been issued.

This amount, as shown in Exhibit "F," has been determined as follows:

Balance of capital expenditures for which treasury was not reimbursed at December 31, 1924, as shown by Exhibit "A" in Application No. 10785	$502,914 17
Estimated cost of addition to Big Meadows Dam and incidental works, as shown by Exhibit "B" in Application No. 11110	1,951,460 00
Estimated cost of Brighton Merced tie line and appurtenances, as shown by Exhibit "A" in Application No. 11627	2,769,702 50
Estimated cost of certain other additions and betterments, as shown by Exhibits "C" and "D" in Application No. 10785, $2,846,321, whereof there was actually expended, as shown by Exhibit "C" hereof, only	2,766,719 19
Total expenditures and estimates, against which preferred stock has been authorized	$7,990,795 86
Less.	
Balance of proceeds of sale of preferred stock under Decision No. 10605, Application No. 7925	$33 00
Proceeds realized or to be realized from sale of preferred stock under following decisions:	
Decision No. 14541, Application No. 10785, 20,000 shares of 7 per cent stock at 95	1,900,000 00
Decision No. 15124, Application No. 11110, 20,000 shares of 7 per cent stock at 97	1,940,000 00
Decision No. 15384, Application No. 11627, 10,000 shares of 7 per cent stock, whereof there have been or will be issued only 5650 shares at par	565,000 00
Decision No. 15384, Application No. 11627, 20,000 shares of 6 per cent stock at 87½	1,750,000 00
Total proceeds applicable to above expenditures and estimates	$6,155,033 00
Excess of expenditures and estimates over proceeds of preferred stock	$1,835,762 86
Expenditures for refunding Series B bonds and 10-year notes in excess of proceeds of securities, as per petition in Application No. 11759	330,696 75
Estimated expenditures during 1926, for certain additions commenced during 1925, as per Exhibit "D" hereof	640,050 67
Estimated expenditures during 1926, for certain additions not yet commenced, as per Exhibit "E" hereof	4,382,502 00
Total requirements for reimbursement and additions and betterments	$7,189,012 28

The $6,155,033 is subject to adjustment for the reason that applicant has used in determining the proceeds from the sale of stock the minimum selling price fixed by the Commission, rather than the actual net receipts from the sale of stock.

The testimony and the application show that there is included in the expenditures made prior to December 31, 1925, an amount of $75,000

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representing expenditures by applicant in connection with the application filed by the city and county of San Francisco for an order fixing and determining the just compensation to be paid for its San Francisco properties, and that there is an amount of $50,000 for similar purposes estimated for 1926. We do not believe that the $125,000 represents a charge to fixed capital accounts and therefore it should not be paid through the issue of securities. Further, it occurs to us that applicant has not made a sufficient showing upon which we can base an order authorizing the issue of stock against the expenditures of $330,696.75 alleged to represent the amounts expended in retiring the Series "B" first and refunding mortgage bonds and the ten year debentures, formerly outstanding, in excess of the proceeds obtained from the stock and notes authorized by the decision in Application No. 11759. Making these deductions there is left the balance of $6,733,315.53, on account of which the order herein will permit the issue of the $2,000,000 of preferred stock.

ORDER.

Great Western Power Company of California having applied to the Railroad Commission for permission to issue stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through the issue of such stock is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income:

It is hereby ordered, that Great Western Power Company of California be and it is hereby authorized to issue and sell at not less than 91 per cent of par value plus accrued dividends, net, 20,000 shares of its 6 per cent cumulative preferred stock of the aggregate par value of $2,000,000 and to use the proceeds to reimburse its treasury and to finance in part the expenditures of $6,733,315.53 to which reference is made in the foregoing opinion.

The authority herein granted is subject to the following conditions:

1. Only such expenditures as are properly chargeable to fixed capital accounts as defined by the uniform classification of accounts prescribed by the Railroad Commission may be financed with the proceeds obtained from the issue and sale of the stock herein authorized.

2. Applicant shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

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3. The authority herein granted will become effective upon the date hereof but under such authority no stock may be issued after December 31, 1926.

Dated at San Francisco, California, this eighth day of March, 1926.

DECISION NO. 16092.

IN THE MATTER OF THE APPLICATION OF COAST COUNTIES GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION AUTHORIZING SAID COMPANY TO ISSUE AND SELL FIVE THOUSAND SHARES OF ITS FIRST PREFERRED CAPITAL STOCK AT NOT LESS THAN NINETY-TWO PER CENT OF THE PAR VALUE THEREOF.

Application No. 12534.

Decided March 8, 1926.

SECURITIES— PREFERRED STOCK— TO ISSUE.—Application granted.

Leo H. Susman, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled matter Coast Counties Gas and Electric Company asks the Railroad Commission to make an order authorizing it to issue and sell 5000 shares of its 6 per cent cumulative first preferred stock, of the aggregate par value of $500,000, at not less than 92 per cent of par value, and to use 4 per cent of the par value of stock sold to pay selling expenses, and to use the remaining proceeds to reimburse its treasury and to finance permanently the cost of expenditures for additions and betterments to its electric and gas plants and properties.

Coast Counties Gas and Electric Company has an authorized capital stock of $4,000,000, divided into $2,000,000 of first preferred 6 per cent stock, $1,000,000 of second preferred 6 per cent stock, and $1,000,000 of common stock, all of which is outstanding or is subscribed for. The record in this matter shows, however, that applicant is taking steps to increase its authorized capital stock to $7,000,000, the increase of $3,000,000, if approved by the stockholders, to consist of first preferred stock. The proposed issue of stock covered by this application will be part of this increased capitalization.

The company asks permission to sell the 5000 shares at not less than 92 per cent of par value. It further asks permission to use an amount not exceeding 4 per cent of the par value of stock sold to pay selling commissions and to use the remaining proceeds to reimburse its treasury and to finance the cost of additions and betterments.

The company reports, in support of its request, that up to May 31, 1925, it had expended $737,846.91 in making additions and better-

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ments to its plants and properties which had not been capitalized, and that from May 31, 1925, to December 31, 1925, it expended an additional $268,495.10 for similar purposes, as shown in some detail in Exhibit "B," making a total of $1,006,342.01. From this amount it deducts $43,880.49, being the net proceeds from the sale of $50,000 of stock authorized by Decision No. 15489, leaving a balance of $962,461.52 which it uses as a basis in making the present application to issue $500,000 of stock.

However, by Decision No. 15489, dated October 3, 1925, the Commission authorized applicant to issue and sell, at not less than 86 per cent of par value, net, $300,000 of first preferred stock. In arriving at the balance of $962,461.52 applicant has deducted only the proceeds from the sale of $50,000 of such stock, that being the par value of the total amount issued up to that time. The record in this matter now shows that the remaining $250,000 of stock authorized by Decision No. 15489 has been sold at an average price of about 89 per cent of par value, making a total of about $222,500 for the entire $250,000. Deducting the $222,500 from the $962,461.52 there is left a balance of $739,961.52.

Although applicant asks permission to use stock proceeds to reimburse its treasury because of expenditures for additions and betterments made prior to December 31, 1925, the testimony of its president, S. Waldo Coleman, indicates that such expenditures were financed not only by investment of surplus earnings but also by moneys represented by reserve for depreciation and accrued current liabilities not yet due. His testimony further indicates that this application was made primarily to secure funds for the 1926 construction and that the proceeds, after reimbursement, would be used for this purpose. In this connection he testified that during 1926 it was estimated that $828,500 would be used for construction work, which sum is segregated as follows:

Electric department		$561,600 00
Gas department:		
Santa Cruz Division	$39,700 00	
Watsonville Division	25,200 00	
Hollister Division	29,000 00	
Gilroy Division	13,000 00	
Contra Costa Division	160,000 00	
		266,900 00
Total		$828,500 00

The order herein will authorize applicant to use the proceeds to be received from the sale of its stock to reimburse its treasury and to pay indebtedness incurred in making additions to and betterments of its plants and properties prior to December 31, 1925, and to finance in part the estimated expenditures for 1926.

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ORDER.

Coast Counties Gas and Electric Company having applied to the Railroad Commission for permission to issue and sell stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that Coast Counties Gas and Electric Company be and it is hereby authorized to issue and sell, on or before December 31, 1926, 5000 shares of its 6 per cent cumulative preferred stock, of the aggregate par value of $500,000, at not less than 92 per cent of par value.

It is hereby further ordered, that Coast Counties Gas and Electric Company be and it is hereby authorized to use not exceeding 4 per cent of the par value of stock sold to pay commissions and expenses incidental to the sale thereof and to use the remaining proceeds, and such portion of the 4 per cent not needed for commissions and expenses incident to the sale of stock, to reimburse its treasury and to pay indebtedness incurred in making additions to, and betterments of, its plants and properties prior to December 31, 1925, and to finance in part the estimated expenditures during 1926.

It is hereby further ordered, that the authority herein granted will become effective when applicant has filed a verified copy of its amended articles of incorporation referred to in the foregoing opinion. Applicant shall keep such record of the issue and sale of the stock and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this eighth day of March, 1926.

DECISION No. 16119.

IN THE MATTER OF THE APPLICATION OF MONTEREY COUNTY WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ABANDONMENT OF PORTIONS OF ITS MAIN CANAL IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

Application No. 11715.

Decided March 8, 1926.

ABANDONMENT—WATER UTILITY—SERVICE.—Application granted.

Morrison, Hohfeld, Foerster, Shuman and Clark, by *Howard A. Judy*, for Applicant.

WHITSELL, *Commissioner*.

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OPINION.

Monterey County Water Company, a corporation, engaged in the business of distributing water for irrigation purposes in Salinas Valley, Monterey County, asks for authority to abandon service through that portion of its main canal traversing the property of H. A. Brookins, Margaret J. Whisman, and the crossing of the county road east of the Brookins property, and to grant by quitclaim deed all of its rights, title and interests in and to the rights of way and/or easements for this portion of the canal to the above owners of the land crossed by said canal.

A hearing in this proceeding was held in San Francisco after all interested parties had been duly notified and given an opportunity to appear and be heard.

Applicant has appeared before this Commission in another proceeding and reference is made to Decision No. 11157, dated October 23, 1922 (22 C. R. C. 449), for a history of the company and a description of the system and methods of operation.

The evidence in this proceeding shows that the deeds for the rights of way of applicant's canal across the property of H. A. Brookins and Margaret J. Whisman each contained clauses which provided that if and when the canal should not be used for a period of two consecutive years, the said rights of way would thereupon revert to and become the property of the parties owning the land. It appears that the owners of the lands traversed by the canal sought to be abandoned have installed wells and pumping plants from which they now supply their lands with water, and as the canal has not been used for the past two years the applicant has been requested by the above landowners to abandon this portion of the canal, as provided in the aforesaid deeds, in order that the lands may be restored to their original condition and be used for agricultural purposes.

The abandonment of this canal will eliminate the maintenance by applicant of a bridge across the canal at the county road running along the easterly boundary of the Brookins property. No one protested the granting of this request, and as the evidence shows that lands located below the property of Brookins and Whisman are supplied with irrigation water from another canal, it appears that the application should be granted.

The following form of order is recommended:

ORDER.

Monterey County Water Company, a corporation, having made application to the Railroad Commission for authority to abandon a certain portion of its main canal located in Monterey County, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully advised thereon;

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It is hereby ordered:

1. That Monterey County Water Company, a corporation, be and it is hereby authorized to abandon on or after the thirty-first day of March, 1926, that portion of its main canal in Monterey County crossing that certain county road which runs along the easterly boundary of property owned by one H. A. Brookins and also those other portions of its said main canal traversing property owned by H. A. Brookins and property owned by Margaret J. Whisman.

2. That Monterey County Water Company, a corporation, be and it is hereby authorized to grant by quitclaim deed or otherwise to the owners of the lands traversed by the portions of its main canal herein authorized to be abandoned all of the rights, title and interests heretofore held by said Monterey County Water Company in or to the rights of way and/or easements across said lands.

3. That within ten (10) days from the date of this order Monterey County Water Company, a corporation, shall notify in writing H. A. Brookins and Margaret J. Whisman of its intention to discontinue on or after March 31, 1926, the operation of its main canal over their respective properties.

4. That a certified copy of the final instruments of conveyance granting the rights, title and interests herein authorized to be transferred shall be filed with the Commission by Monterey County Water Company, a corporation, within thirty (30) days from the date on which they are executed.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this eighth day of March, 1926.

DECISION NO. 16134.

IN THE MATTER OF THE APPLICATION OF LINCOLN GRAIN GROWERS, INCORPORATED, FOR AN ORDER AUTHORIZING THE ISSUANCE OF STOCK.

Application No. 12521.

Decided March 11, 1926.

SECURITIES—STOCK—NOTES—TO ISSUE.—Lincoln Grain Growers, Inc., authorized to issue $25,000 of common stock and notes for $13,000 and $5,000.

C. F. Metteer and *H. J. March*, for Applicant.

BY THE COMMISSION.

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OPINION.

In this application as amended at the hearing had before Examiner Fankhauser on February 26th, Lincoln Grain Growers, Inc., asks permission to issue $25,000 of common stock, a $13,000 note secured by a mortgage and $5,000 unsecured notes for the purposes to which reference will hereafter be made.

Lincoln Grain Growers, Inc., was organized in 1925 under the laws of California with an authorized capital stock of $25,000 divided into 250 shares of $100 each. It is of record that those interested in the organization of applicant corporation have advanced to applicant $12,400 to enable it to purchase warehouse properties and that these individuals will accept applicant's stock at par in payment for their advances. To make additional payments on warehouse properties applicant executed to Andy Rasmussen a mortgage to secure the payment of a $13,000 6 per cent note payable on or before five years after date. The record also shows that to enable applicant to construct and acquire warehouse properties certain individuals executed their notes for $5,000 payable to the Bank of Lincoln, which notes applicant has assumed to pay. Testimony shows that all money which the individuals obtained through the issue of notes was turned over to applicant and used by it in constructing and acquiring warehouse properties.

Applicant's petition shows that it is the owner of certain warehouses, elevators and certain machinery connected therewith all situated in Placer County and more particularly consisting of:

One (1) corrugated iron warehouse, 90 feet by 50 feet;

One (1) wooden warehouse, 70 feet by 45 feet;

Two (2) elevators, each of the size 36 feet by 40 feet by 65 feet, with all elevator, cleaning and rolling machinery.

The cost of these properties is reported at $31,950.46.

Applicant asks that it be permitted to issue $25,000 of its common stock at par. This stock, according to the testimony, will all be subscribed for by persons living in Lincoln or its vicinity and by persons who expect to patronize applicant's warehouse facilities. The proceeds obtained from the sale of the stock will be used to pay the $12,400 advanced to applicant by certain individuals; to construct a corrugated iron elevator similar in design to the ones now being operated by the Lincoln Grain Growers, Inc., at an approximate cost of $8,000 and to pay the balance due on elevators now owned and operated by applicant, said balance being the sum of $4,600.

The $13,000 note now outstanding was issued by applicant without an order from the Railroad Commission. We are satisfied, however, that this note was issued through inadvertence and with no attempt

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to evade the provisions of the Public Utilities Act. Applicant asks that it be permitted to issue a new note to refund the indebtedness represented by the $13,000 note now outstanding. It also asks that it be permitted to issue $5,000 face value of notes to the Bank of Lincoln in substitution of the notes which certain individuals issued to such bank for the benefit of applicant.

ORDER.

Lincoln Grain Growers, Inc., having applied to the Railroad Commission for permission to issue $25,000 of stock and $18,000 of notes, a public hearing having been held and the Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of such stock and notes is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income and that this application should be granted as herein provided; therefore,

It is hereby ordered, that Lincoln Grain Growers, Inc., be and it hereby is authorized to issue and sell on or before December 31, 1926, at not less than par $25,000 of its common capital stock and use the proceeds to purchase from the California Farm Bureau Elevator Company an elevator situated in Lincoln, Placer County, at an agreed price of $12,400 or pay advances made to applicant on account of the acquisition of such elevator; to construct a corrugated iron elevator similar in design to the ones now being operated by the Lincoln Grain Growers, Inc., at an approximate cost of $8,000 and to pay the balance due, approximately $4,600, on elevators now owned and operated by said applicant.

It is hereby further ordered, that Lincoln Grain Growers, Inc., be and it is hereby authorized to issue a $13,000 note to Andy Rasmussen payable on or after five years after date with interest at the rate of 6 per cent per annum to refund a $13,000 note of indebtedness now owing said Andy Rasmussen and to execute a mortgage to secure the payment of said note, said mortgage to be substantially in the same form as the mortgage filed in this proceeding, provided, that the authority herein granted to execute said mortgage is for this proceeding only and is granted only in so far as the Railroad Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of said mortgage as to such other legal requirements to which said mortgage may be subject.

It is hereby further ordered, that Lincoln Grain Growers, Inc., be and it is hereby authorized to issue to the Bank of Lincoln a note or notes in the sum of not exceeding $5,000, said note or notes to be payable ninety days after date with interest at the rate of 6 per cent per annum, which notes applicant is herein authorized to renew from time to time

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provided that the term of the original note or notes issued under the authority herein granted and any renewals thereof do not exceed five years from the date of this order and, provided further, that the proceeds obtained from the issue of such note or notes be used to pay the indebtedness assumed by applicant and referred to in the preceding order.

It is hereby further ordered, that the authority herein granted to issue stock will become effective upon the date hereof and that the authority herein granted to issue notes will become effective when applicant has paid the minimum fee prescribed by section 57 of the Public Utilities Act, which fee is twenty-five dollars.

It is hereby further ordered, that Lincoln Grain Growers, Inc., shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this eleventh day of March, 1926.

DECISION No. 16135.

IN THE MATTER OF THE APPLICATION OF MRS. S. K. MORRISON AND CARL G. BELL, FOR AN ORDER AUTHORIZING THE TRANSFER FROM MRS. S. K. MORRISON TO CARL G. BELL OF THE COLFAX TELEPHONE EXCHANGE, AND OF CARL G. BELL FOR ORDER AUTHORIZING HIM TO EXECUTE MORTGAGE UPON SAID PROPERTY.

Application No. 12523.

Decided March 11, 1926.

TRANSFER—TELEPHONE UTILITY—NOTE—TO ISSUE.—Transfer of Colfax telephone exchange by Mrs. S. K. Morrison to Carl G. Bell authorized. Latter authorized to issue to former note for $2,500 in payment therefor, and to improve same.

Lowell, Lowell and Lowell, by *Marshall Z. Lowell,* for Applicants.

BY THE COMMISSION.

OPINION.

Mrs. S. K. Morrison, one of the applicants in this proceeding, asks permission to sell the Colfax telephone exchange properties to Carl G. Bell, who asks permission to purchase such properties, to execute a mortgage to secure the payment of a $2,500 note and use $1,750 of the proceeds to pay amounts which he owes to Mrs. S. K. Morrison, and use the balance, $750, to improve and extend the Colfax telephone exchange properties.

The testimony shows that Carl G. Bell has been for several years past, and is now, the manager, and in charge of the operations of the Colfax telephone exchange. According to the record, the telephone

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properties consist of a switchboard, approximately 60 miles of wire and about 180 poles. One hundred and seventy-six subscribers are directly connected with the telephone system. The value of the telephone properties is reported at about $9,000. According to the testimony of Carl G. Bell it is necessary that the telephone exchange be equipped with additional switchboard facilities which will cost approximately $900 and that about 300 feet of cable should be acquired and installed.

It appears that the Central Bank of California has agreed to loan Carl G. Bell $2,500 to be represented by a note payable on or before two years after date, with interest at the rate of 7 per cent per annum, said note to be secured by a chattel mortgage, the lien of which will cover all of the telephone properties commonly referred to as the Colfax telephone exchange. A copy of the chattel mortgage has been filed as applicants' Exhibit No. 1, and a copy of the note as applicants' Exhibit No. 2. Both the note and mortgage are in satisfactory form.

At the hearing applicants amended their application and in this application as amended Carl G. Bell asks permission to file new rules and regulations governing telephone service. These rules which he desires to file are similar to rules and regulations now in effect in most of the telephone companies throughout the state. There appears to be no reason why such rules and regulations should not become effective.

ORDER.

Mrs. S. K. Morrison having applied to the Railroad Commission for permission to sell public utility telephone properties to Carl G. Bell and Carl G. Bell having asked permission to acquire such properties, to execute a chattel mortgage and issue a note and to file new rules and regulations, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that this application should be granted as herein provided, and that the money, property or labor to be procured or paid for by the issue of the note herein authorized, is reasonably required by Carl G. Bell and that the expenditures herein permitted are not in whole or in part reasonably chargeable to operating expenses, or income;

It is hereby ordered, that Mrs. S. K. Morrison be and she is hereby authorized to sell and transfer to Carl G. Bell the telephone properties referred to in this application.

It is hereby further ordered, that Carl G. Bell be and he is hereby authorized to acquire said properties, to issue a note for $2,500 payable on or before two years after date with interest at the rate of 7 per cent per annum and to execute a chattel mortgage substantially in the same form as the mortgage filed in this proceeding and marked "Exhibit No. 1" to secure the payment of said note, provided the authority herein granted to execute said mortgage is for the purpose

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of this proceeding only, and is granted in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said mortgage as to such other legal requirements to which said mortgage may be subject.

The authority herein granted is subject to further conditions as follows:

1. Of the proceeds obtained through the issue of the note by Carl G. Bell, $1,750 shall be used by him to pay the amount he owes Mrs. S. K. Morrison for the telephone properties which he is herein authorized to acquire from her and $750 shall be used to acquire and install a new switchboard and other telephone properties.

2. The authority herein granted will not become effective until Carl G. Bell has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is twenty-five dollars.

3. Carl G. Bell shall keep such record of the issue, sale and delivery of the note herein authorized and of the disposition of the proceeds as will enable him to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that Carl G. Bell file with this Commission, not later than thirty days subsequent to date of acquisition of properties above referred to, definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478 as may be approved by this Commission.

Dated at San Francisco, California, this eleventh day of March, 1926.

DECISION NO. 16137.

IN THE MATTER OF THE APPLICATION OF THE HARBOR TUG AND BARGE COMPANY FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE VESSELS FOR THE TRANSPORTATION OF PERSONS FOR COMPENSATION BETWEEN POINTS UPON THE INLAND WATERS OF THE STATE OF CALIFORNIA.

Application No. 12560.

Decided March 11, 1926.

CERTIFICATE—CARRIER BY WATER—OAKLAND ESTUARY.—Certificate granted to the Harbor Tug and Barge Company to operate vessels for the transportation of persons across Oakland estuary at location of Webster street bridge. Fare fixed at five cents per passenger.

Brobeck, Phleger and Harrison, by *G. A. Harrison* for Applicant.

BY THE COMMISSION.

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OPINION.

This is an application of the Harbor Tug and Barge Company, a California corporation, under the provisions of paragraph (*d*), section 50, of the Public Utilities Act, for a certificate of public convenience and necessity to operate vessels for the transportation of persons between Oakland and Alameda.

The petition sets forth that the proposed service is to meet an emergency situation brought about by the recent destruction of the Webster street bridge spanning the Oakland estuary and connecting the cities of Alameda and Oakland. It is alleged there is now no means of direct transportation at Webster street between the cities and until the bridge is repaired transportation must be over circuitous and inconvenient routes.

A public hearing was held before Examiner Geary at San Francisco March 8, 1926, and the application having been duly submitted is now ready for an opinion and order.

The fare will be 5 cents and the distance between Oakland and Alameda via the route to be traveled is approximately one-fourth of a mile. Applicant has arranged for the use of city wharves in Oakland and wharves owned by the Associated Oil Company in Alameda. The time schedule will be every fifteen minutes between the hours of 6 a.m. and 8 p.m., and the vessels employed will have a carrying capacity of approximately 80 passengers; as many boats will be furnished as the traffic requires. Applicant estimates at the commencement of operations a total of 1000 passengers per day, employing one boat at an expense of $40 per day. At the present time the Associated Oil Company is performing a service for the transportation of its own employees with boats chartered from this applicant and handles about 400 persons per day in each direction; this special service will be discontinued when applicant begins to operate, which will be immediately following authority of this Commission and the securing of a franchise from the Alameda County board of supervisors. Arrangements will be made with the Key System Transit Company for connecting street cars at both ends of the route.

The bridge destroyed January 7, 1926, is now being repaired and it is expected will be ready for service about August 31, 1926, when this applicant will apply for authority to discontinue its service.

Under date January 20, 1926, by Decision No. 15886, in Application No. 12446, Harry E. Speas was given a certificate of public convenience and necessity to operate vessels for the transportation of passengers and automobiles between the same points as involved in the instant proceeding. Mr. Speas will not use the authority granted and has notified the Commission to cancel the certificate of public convenience and necessity. An order will issue today making such cancellation.

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We are of the opinion and find as a fact that public convenience and necessity require the establishment of a passenger service by vessel between the city of Oakland and the city of Alameda via the Oakland estuary from wharves located in Alameda in the vicinity of Webster street bridge, and in Oakland also in the vicinity of Webster street bridge, as set forth in applicant's petition, and that a certificate should be granted authorizing passenger service at rate of 5 cents per passenger, as set forth in the application hereinbefore referred to.

ORDER.

A public hearing having been held in the above entitled proceeding, the same having been duly submitted and now being ready for a decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by the Harbor Tug and Barge Company, a California corporation, of vessels for the transportation of persons, for compensation, across the Oakland estuary, between Oakland and Alameda, at points located near Webster street on the Oakland side, and near Webster street on the Alameda side, as set forth in the application.

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted, subject to the following conditions:

Applicant, before beginning operations, shall secure a franchise from the board of supervisors of Alameda County, as required by law.

Applicant shall file written acceptance of the certificate herein granted within a period not to exceed ten (10) days from the date hereof, and shall file tariff, according to the rules of this Commission, setting forth the rate, rules and regulations governing the transportation furnished, which rate shall be 5 cents, as set forth in the application and referred to in the foregoing opinion.

Dated at San Francisco, California, this eleventh day of March, 1926.

DECISION No. 16141.

IN THE MATTER OF THE APPLICATION OF SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA FOR AUTHORITY TO ISSUE ADDITIONAL SEVEN PER CENT PREFERRED STOCK.

Application No. 12555.

Decided March 16, 1926.

SECURITIES—STOCK—TO ISSUE.—Southern Counties Gas Company of California authorized to issue $1,250,000 of 7 per cent cumulative preferred stock, and to exchange said stock for outstanding 8 per cent preferred stock at $102 per share, or to sell said stock at not less than $102 per share

LeRoy M. Edwards, for Applicant.

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BY THE COMMISSION.

OPINION.

In this application, as amended at the hearing, Southern Counties Gas Company of California asks permission to issue and sell $1,250,000 of 7 per cent cumulative preferred stock at $102 per share to obtain money to redeem $1,250,000 of 8 per cent cumulative preferred stock or to deliver said 7 per cent preferred stock in exchange for said 8 per cent preferred stock.

Applicant has an authorized stock issue of $25,000,000 divided into $12,500,000 of common and $12,500,000 of preferred stock. The authorized preferred stock consists of $1,250,000 of 8 per cent and $11,250,000 of 7 per cent cumulative preferred stock. The company now has outstanding $1,500,000 of its common stock, $1,250,000 of 8 per cent and $2,500,000 of 7 per cent preferred stock. The 8 per cent preferred stock is redeemable at $102 per share plus accrued dividends to the date of redemption. The testimony shows that applicant's board of directors at a meeting held on January 20, 1926, approved a resolution wherein and whereby the company elected to redeem all of its outstanding 8 per cent preferred stock on April 1, 1926. The company asks permission to issue one share of its 7 per cent preferred stock in exchange for one share of its outstanding 8 per cent preferred stock. In the event that the holders of the 8 per cent preferred stock do not desire to accept the company's 7 per cent stock, applicant asks permission to sell such 7 per cent preferred stock at not less than $102 per share and use the cash to redeem its outstanding 8 per cent preferred stock at $102 per share plus accrued dividends to date of redemption.

ORDER.

Southern Counties Gas Company of California having applied to the Railroad Commission for permission to issue $1,250,000 of 7 per cent cumulative preferred stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue of stock is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income and that this application should be granted as herein provided; therefore,

It is hereby ordered, that the Southern Counties Gas Company of California be and it is hereby authorized to issue on or before December 31, 1926, $1,250,000 of its 7 per cent cumulative preferred capital stock and deliver to such holders of its 8 per cent cumulative preferred stock as desire to make an exchange, one share of said 7 per cent preferred stock for each share of said 8 per cent preferred stock; said 7

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per cent preferred stock to be so issued in exchange for said 8 per cent preferred stock at the rate or price of $102 per share; or sell all or part of said $1,250,000 of 7 per cent preferred stock at not less than $102 per share and use the proceeds to redeem said 8 per cent preferred stock at not more than $102 per share.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof, and that Southern Counties Gas Company of California shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this sixteenth day of March, 1926.

DECISION NO. 16143.

IN THE MATTER OF THE APPLICATION OF EXETER TELEPHONE AND TELEGRAPH COMPANY FOR AUTHORITY TO PUT IN EFFECT CERTAIN RATES AND CHARGES.

Application No. 12624.

Decided March 16, 1926.

RATES—TELEPHONE UTILITY—LOCAL MESSAGES.—Toll charge of 5 cents a call for messages from public pay stations established. Uniform charge of $3 for moves or changes of equipment, authorized.

BY THE COMMISSION.

ORDER.

Whereas, Exeter Telephone and Telegraph Company having filed an application with this Commission requesting authority to file and place in effect certain rules and regulations relative to charges for moves and changes of telephone apparatus and to establish a charge of five cents (5¢) for each local message made from public telephone stations throughout the territory served by it; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations; and

Whereas, the rendering of public pay-station service will be in the interest of the subscribers of the Exeter Telephone and Telegraph Company and to the public, and it appearing that applicant's request is reasonable and that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Exeter Telephone and Telegraph Company

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be and it is hereby authorized to file with this Commission effective as of April 1, 1926, the following rules and regulations:

1. *Moves and Changes.*

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber will be made by the company, and the charges for such work will be as follows:

A. Telephone Sets.

1. Moving from one location to another	$3 00
2. Change in type or style	3 00

C. Other Equipment and Wiring.

Charges for moving or changing of equipment or wiring, other than that included under A above, will be an amount equal to the actual cost of labor and material involved.

D. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the Telephone Company and required for the proper maintenance of the equipment or service.

E. Change in Class of Service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing telephone service similar to these definitions, rules and regulations contained in this Commission's Decision No. 13478, except as modified in section 1 above, and as may be approved by this Commission.

It is hereby further ordered, that Exeter Telephone and Telegraph Company be and it is hereby authorized to establish throughout the territory served by it public telephone stations as may be necessary to render adequate service to the public and to charge and collect the sum of five cents (5¢) for each local message made from such public telephone stations on and after April 1, 1926.

Provided said rules and regulations and rate be filed with this Commission on or before March 31, 1926.

Dated at San Francisco, California, this sixteenth day of March, 1926.

DECISION No. 16208.

IN THE MATTER OF THE APPLICATION OF THE BELVEDERE WATER CORPORATION FOR AUTHORITY TO DISCONTINUE A CERTAIN ITEM IN ITS SCHEDULE OF RATES.

Application No. 11678.

Decided March 16, 1926.

RATES—WATER UTILITY—MAXIMUM CONSUMPTION.—Belvedere Water Corporation authorized to discontinue rate of six cents per 100 cubic feet for all water consumed in excess of 5000 cubic feet per month, and to establish a rate of 12 cents per 100 cubic feet therefor.

Gibson, Dunn and Crutcher, by *H. F. Prince,* for Applicant.

WHITSELL, *Commissioner.*

OPINION.

Belvedere Water Corporation, applicant in the above entitled proceeding, engaged in the public utility business of supplying water for domestic and irrigation purposes in and in the vicinity of Belvedere

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Gardens, Los Angeles County, asks the Commission for authority to omit from its present rate schedule the rate of six cents ($0.06) per 100 cubic feet for all water in excess of 5000 cubic feet. It is alleged that this rate is less than the reasonable cost of producing the water and that the additional amount of revenue which will be secured by the omission of this item is small and will not cause applicant to earn more than a reasonable return on the investment.

A public hearing in this matter was held in Los Angeles after due notice thereof had been given so that all parties might appear and be heard.

Belvedere Water Corporation was authorized to purchase the properties of the Belvedere Water Company and the water utility properties of the Janss Investment Company by Decision No. 12299, rendered by this Commission July 3, 1922. At the time of this transfer the rate schedule which was then charged by the Belvedere Water Company was placed in effect throughout the consolidated system. The present rate schedule is in part as follows:

Monthly Metered Rates.

500 cubic feet or less per month	$1 00
500 to 1000 cubic feet, per 100 cubic feet	15
1000 to 5000 cubic feet, per 100 cubic feet	12
All in excess of 5000 cubic feet, per 100 cubic feet	06

Monthly Minimum Payments.

¾-inch service or less	$1 00
1 -inch service	1 25
1½-inch service	1 75
2 -inch service	2 25
3 -inch service	12 00
4 -inch service	18 00
6 -inch service	35 00

This water system supplies a certain section of the county of Los Angeles lying adjacent to the eastern boundaries of the city of Los Angeles in the general vicinity of Belvedere Gardens. Water is obtained from deep wells and is pumped into tanks and reservoirs from which it is then distributed to the consumers. The utility serves approximately 12,500 consumers and the service area gives promise of increased growth.

F. M. Faude, of The Chester H. Loveland Engineers, presented a report in which he estimated the original cost of the used and useful properties, including lands at their estimated present value, to be $1,230,995 as of November 30, 1925. A depreciation annuity computed by the sinking fund method was given as $25,043 on a 5 per cent basis and $21,953 at 6 per cent. Maintenance and operating expenses for the twelve months' period ending November 30, 1925, were set out as $112,507.

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In the report presented by M. I. Reed, one of the Commission's hydraulic engineers, an analysis of the revenues and operating expenses showed that the elimination of the rate of 6 cents per 100 cubic feet for all water delivered over 5000 cubic feet would have amounted to an increase in revenue for 1924 of approximately $2,453, and $2,823 for 1925. The revenues receivable for 1925, of which the month of December was estimated, amounted to approximately $196,157. This report indicates that had the proposed change in rates been in effect during the year 1925 the company would have earned a return of less than 8 per cent on any sum greater than $850,000, which is considerably less than the total value of the properties devoted to the public use.

Based upon the figures presented by applicant the operations for the period of twelve months ending November 30, 1925, resulted in a net return of approximately 5.2 per cent upon the investment. According to the testimony of F. M. Faude the cost of pumping water based upon actual expenses, including depreciation and interest return upon pumping equipment, amounted to 7.8 cents per 100 cubic feet.

From a consideration of the evidence it appears that very few consumers are affected by this proposed change in rates and that the discontinuance of the existing rate for all water delivered in excess of 5000 cubic feet is not unreasonable and will not result in the applicant earning an unreasonable return upon its investment.

ORDER.

Belvedere Water Corporation having made application for authority to omit the rate of 6 cents per 100 cubic feet for water from its present rate schedule, a public hearing having been held thereon, the matter having been submitted and the Commission now being fully informed thereon:

It is hereby found as a fact that the rate of 6 cents per 100 cubic feet charged by the Belvedere Water corporation for water delivered to its consumers in and in the vicinity of Belvedere Gardens, Los Angeles County, is unjust and unreasonable.

Basing the order upon the foregoing finding of fact and upon the further statements of fact contained in the preceding opinion;

It is hereby ordered, that the Belvedere Water Corporation, a corporation, be and it is hereby authorized to discontinue the rate of 6 cents per 100 cubic feet for all water in excess of 5000 cubic feet per month, delivered to its consumers on and after April 1, 1926, and to file with this Commission within twenty (20) days from the date of this order the rate of twelve cents per 100 cubic feet for all water delivered to its consumers in excess of 5000 cubic feet per month on and after said date.

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For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this sixteenth day of March, 1926.

DECISION No. 16210.

IN THE MATTER OF THE APPLICATION OF THE CITY OF OAKLAND, A MUNICIPAL CORPORATION, FOR AN ORDER REQUIRING CONSTRUCTION OF A SUBWAY AT THE CROSSING OF GOSS STREET BY TRACKS OF THE SOUTHERN PACIFIC RAILROAD COMPANY.

Application No. 12543.

Decided March 17, 1926.

GRADE CROSSING—STEAM RAILROAD—SEPARATION OF GRADES.—City of Oakland and Southern Pacific Company directed to abolish existing grade crossing of Seventh street by constructing a subway along Goss street extended westerly by a subway under the Southern Pacific railroad tracks. The principals are authorized to carry out an agreement for the division of the cost thereof, on a basis of 50 per cent each. The city also authorized to carry out an agreement with the county for an equal division of its half of the cost.

ADDITIONAL TRACK—EXPENSE ALLOCATED.—Southern Pacific directed to bear entire extra cost of making barrel of subway large enough to carry an eighth track.

Leon E. Gray, for the City of Oakland.
E. J. Foulds, for Southern Pacific Company.
T. A. Goodrick, for Western Water Front Industries Association.

DECOTO, *Commissioner*.

OPINION.

In the above entitled application the city of Oakland, a municipal corporation, asks for an order authorizing the construction of a subway at Goss street under the main line and electric suburban railway tracks of the Southern Pacific Company and apportioning the costs in accordance with a mutual understanding between the interested parties. Public hearing on this application was held in San Francisco on March 11, 1926, at which time the matter was submitted.

This proceeding is the outgrowth of the construction of Seventh street at grade across Southern Pacific Company tracks in the city of Oakland, as authorized by Decision No. 8143, dated September 24, 1920, and Decision No. 8912, dated May 2, 1920, rendered in Application No. 5950. At the time that application was before the Commission for consideration, the question of grade separation at Seventh street was raised, for the reason that there was in contemplation at that time the installation of a vehicular ferry service from the foot of Seventh street, to be rendered by the Six-Minute Ferry Company and in commenting upon this feature, the Commission stated:

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Evidence points to the fact that the grade separation can be made in about the same time as the ferry slips and the boats can be constructed and it seems reasonable then to conclude that there is no necessity for a commencement of separating the grades of Seventh street on the Southern Pacific tracks until the construction of the Six-Minute Ferry Company's boats and slips are actually started. It must be taken into consideration, however, that this conclusion is predicated upon the present relatively light vehicular traffic on Seventh street.

A crossing at grade was accordingly authorized at Seventh street until such time as traffic conditions should warrant a separation of grades and subject to provisions requiring thorough protection.

Although the contemplated ferry service by the Six-Minute Ferry Company was never started, there has since been inaugurated a vehicular ferry service from the foot of Seventh street by the Southern Pacific Company with the result that there is a large volume of traffic over the existing grade crossing at Seventh street.

The city now proposes, in lieu of a grade separation at Seventh street, to construct a subway opposite the extension of Goss street, which is located between Seventh and Eighth streets and approximately parallel thereto. The proposed subway project includes the construction of a connecting roadway from the westerly end of the subway to the existing pavement of Seventh street west of the railroad and the improvement of Goss street easterly to Wood street, where, by rounding off the corners of the property at the intersection of Goss and Wood streets, a convenient diversion of the traffic can be made, toward both Eighth street and Seventh street. The structure itself will have a clear roadway width of 23 feet with 5 per cent approach grades and a sidewalk width of 6 feet.

The plan also proposes the relocation of the Southern Pacific's so-called Cedar street track, over which some seventy switching and freight movements take place daily, thus providing for a grade separation of the street traffic from this freight line also. The projects, as set forth in the plans introduced as Southern Pacific's Exhibit No. 1, are estimated to cost as follows:

	Total cost
New tracks	$38,001 00
Take up existing tracks	7,261 00
Raise tracks at subway	4,261 00
Remove present grade crossing	500 00
Replace rail and ties where crossings are removed	296 00
Total	$50,319 00
Salvage	5,111 00
Net cost	$45,208 00
Signal work made necessary by track changes	$25,096 00
Salvage	1,200 00
Net cost	$23,896 00
Signal work—additional facilities	$5,644 00

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Engineering	$11,248 00
Subway	233,690 00
Property	30,500 00
False work	25,000 00
Pave Goss street	20,000 00
Total	$320,438 00
Total	$395,186 00

It is agreed by the city and the Southern Pacific Company that all of the items included in this estimate, except that designated as "Signal work—additional facilities," amounting to $5,644, are to be equally divided between the railroad and the political subdivisions interested, the excepted item to be borne exclusively by the Southern Pacific. This estimate provides for a subway barrel, having a length of 157 feet, sufficient to take care of seven tracks, the same number of tracks which Southern Pacific now has across Goss street or its proposed extension. Southern Pacific, however, has asked for the privilege of having the subway barrel lengthened to accommodate an additional or eighth track if it so elects, the additional cost of such longer barrel, however, to be borne exclusively by the Southern Pacific Company.

The applicant, city of Oakland, states that it has an understanding with the county of Alameda, whereby the county will contribute twenty-five (25) per cent of the cost of this improvement. Both the Southern Pacific and the city of Oakland have come to an understanding as to this division of cost, subject to a stipulation that they do not wish this agreement to be considered as a precedent for determining divisions of cost in any other case.

The county of Alameda did not appear at the hearing to set forth its position in this matter but the applicant, city of Oakland, stated that it would be entirely acceptable to it if the Commission were to divide the cost of this project equally between the applicant and the Southern Pacific Company, in which case the city would rely upon its understanding with the county authorities for their assistance in the financing of its portion of the work.

It appears that the interested parties in this case agreed upon the following essential features of this grade separation:

1. That public convenience and necessity justify a grade separation at this location.

2. That such grade separation should be constructed at the extension of Goss street.

3. That the grade separation should be effected by the construction of a subway under the tracks of the Southern Pacific Company, including the relocated Cedar street "lead."

4. That the expense of providing this grade separation, including all work necessary and incident thereto, including the necessary reloca-

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tion and reconstruction of trackage and the necessary grading, paving or widening of suitable connecting roadways, shall be equally divided between Southern Pacific Company, on the one hand, and the city of Oakland, assisted by the county of Alameda, on the other hand.

5. That Seventh street should be vacated at the point of its present crossing and the existing grade crossing at that point should be abolished.

All of these features appear to be consistent with public interest. The dimensions of the proposed subway are consistent with those provided in General Order No. 26-a of this Commission and the traffic capacity of the proposed structure appears to be entirely adequate for present conditions and it further appears that nothing in the plans proposed would prevent, should necessity arise, the provision of a second subway barrel immediately adjacent to the southerly side of the one now under consideration.

The Western Water Front Industries Association appeared to urge the early construction of this subway and represented that automobile traffic was now delayed at the existing Seventh street crossing approximately forty-two (42) per cent of the time.

Under the facts, as presented, I am convinced that the improvements proposed should be made at an early date and that the agreement that has been reached by the interested parties is equitable. The application should therefore be granted.

The particular request that Southern Pacific if it so desired be allowed to provide for a longer subway barrel at its own expense in order to accommodate an eighth track appears to the Commission a reasonable request and is one to which the city of Oakland has already acceded.

The following form of order is recommended:

ORDER.

The city of Oakland, having made application for an order approving the construction of a subway at the extension of Goss street across the tracks of the Southern Pacific Company and for an order apportioning the cost thereof, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision;

It is hereby ordered, that the city of Oakland and Southern Pacific Company be and they are hereby directed to abolish the existing grade crossing of Seventh street in the city of Oakland, constructed in accordance with the authority granted by Decision No. 8912, by constructing a subway along Goss street and an extension thereof westerly substantially in accordance with plans shown in Southern Pacific's Exhibit No. 1, filed in this proceeding, and specifically in accordance

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with detailed plans and specifications which shall be filed with and approved by this Commission prior to the commencement of construction of said subway.

It is hereby further ordered, that the cost of constructing said subway in and along Goss street and the cost of abolishing said existing grade crossing at Seventh street shall be divided equally between said city of Oakland and said Southern Pacific Company and specifically in accordance with an agreement which shall be entered into, subject to the approval of this Commission, relative to the construction of said subway, provided, however, that nothing herein contained shall be construed as preventing the county of Alameda from contributing such portion of the cost herein assessed to the city of Oakland as shall be mutually agreed upon by said city of Oakland and said county of Alameda; and provided, further, that no portion of the cost herein assessed to said city of Oakland shall in any manner whatsoever be assessed against the operative property of said Southern Pacific Company.

It is hereby further ordered, that should said Southern Pacific Company elect to have constructed a subway of longer barrel to provide for an eighth track, it shall be permitted to do so, provided all extra cost and expense incurred thereby shall be borne by it.

It is hereby further ordered, that the maintenance of said subway shall be borne in accordance with an agreement which may be entered into, subject to the approval of this Commission, between said city of Oakland and said Southern Pacific Company, or in the absence of said parties reaching such an agreement, said maintenance shall be borne in accordance with such terms as the Commission may determine by supplemental order.

It is hereby further ordered, that applicant, city of Oakland, and Southern Pacific Company shall each notify this Commission, in writing, within thirty (30) days thereafter, of the completion of those portions of the work which each of said parties shall have undertaken in the carrying out of this project.

It is hereby further ordered, that the Commission reserves the right to make such further orders relative to the location, constuction, operation, maintenance and protection of said subway as to it may seem right and proper.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this seventeenth day of March, 1926.

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Decision No. 16211.

IN THE MATTER OF THE APPLICATION OF ALAMEDA TRANSPORTATION COMPANY, A CORPORATION, FOR PERMISSION TO ACQUIRE THE PRESCRIPTIVE OPERATING RIGHTS OF W. D. HERYFORD, DOING BUSINESS AS ALAMEDA TRANSPORTATION COMPANY, OR FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE BOATS FOR THE TRANSPORTATION OF PROPERTY (FREIGHT) FOR COMPENSATION, BETWEEN POINTS ON THE INLAND WATERS OF THIS STATE AND FOR PERMISSION TO ISSUE STOCK.

Application No. 12437.

Decided March 17, 1926.

SECURITIES—STOCK—TO ISSUE—CERTIFICATE—TRANSFER.—Alameda Transportation Company authorized to issue and sell $7,500 of common stock, to acquire the freight vessel "Jessie Matsen" from W. D. Heryford, and certificate granted to operate the same on waters of San Francisco bay and Oakland estuary.

Glensor, Cleve and Van Dine, by *H. W. Glensor*, for Applicant.
Sanborn, Rochl and DeLancey C. Smith, by *H. S. Sanborn*, for Bay Cities Transportation Company, Protestants.

BY THE COMMISSION.

OPINION.

Alameda Transportation Company, a corporation, asks permission to engage in the business of operating boats for the transportation of freight on the inland waters of the state and to issue stock in payment for properties which it intends to acquire from W. D. Heryford. The properties consist of a gas power boat, the "Jessie Matsen," line equipment, and office furniture, all valued at $7,378.25. Alameda Transportation Company has an authorized stock issue of $200,000 divided into 10,000 shares of $20 each.

Applicant's petition shows that for a period of about sixteen years W. D. Heryford doing business under the firm name and style of Alameda Transportation Company, has been engaged in the business of transporting goods by boat on the inland waters of the state and more particularly on the bay of San Francisco and its tributaries; that said W. D. Heryford desires to carry on and conduct the same business under a corporate form of organization; that he desires to transfer his present operative rights to the corporation, if the Commission concludes and holds that such transfer is permissible under the existing law, otherwise he desires that Alameda Transportation Company, a corporation, be granted permission to operate from San Francisco to all points on the Oakland estuary including all shipyards, and between San Francisco and Avon, Bay Point and Richmond. It is represented that these are the points between which W. D. Heryford is now actually furnishing transportation service, though his schedule of rates on file with the Commission covers service between other points. It is his intention if he is granted permission to transfer his operative

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rights, or if the Alameda Transportation Company, a corporation, is given permission to operate between the points mentioned, to have that company charge for service rendered, the rates which he now has on file with the Commission covering service between the points stated.

We are of the opinion that under section 50-D of the Public Utilities Act, the Commission has no authority to authorize the transfer of operative rights now possessed by W. D. Heryford. We do believe, however, that the Alameda Transportation Company, a corporation, should be given the right to operate boats for the transportation of freight between the points indicated in the order herein.

Bay Cities Transportation Company takes the position that W. D. Heryford has not operated between all points mentioned in his schedule of rates on file with the Commission. Applicant Alameda Transportation Company, a corporation, has voluntarily agreed to limit its request for a certificate of public convenience and necessity to points between which W. D. Heryford has been actually operating boats for the transportation of freight.

ORDER.

Alameda Transportation Company having applied to the Railroad Commission for permission to issue stock, and for a certificate of public convenience and necessity, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of $7,500 of stock is reasonably required by applicant Alameda Transportation Company, a corporation, and that such company should be given permission to operate boats between the points indicated in this order;

It is hereby ordered, that Alameda Transportation Company, a corporation, be and it is hereby authorized to issue and sell at par $7,500 par value of its common capital stock and use the proceeds from the sale of five shares of stock issued to qualify directors for working capital and use the remaining proceeds to acquire from W. D. Heryford the "Jessie Matsen" and other properties referred to in the opinion which precedes this order, or to deliver $7,400 of said stock to W. D. Heryford in payment of said properties.

It is hereby further ordered, that Alameda Transportation Company, a corporation, be and it is hereby authorized to operate said "Jessie Matsen" for the transportation of freight between San Francisco and all points on the Oakland estuary including all shipyards, and between San Francisco, Avon, Bay Point and Richmond, provided that the rates charged for transportation between such points shall be the same as the rates now on file by W. D. Heryford for service rendered between the said points, and provided further that within a period of

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not to exceed thirty days from the date hereof, Alameda Transportation Company, a corporation, file in duplicate its schedule of rates, rules and regulations governing the transportation of property between the points herein indicated.

It is hereby further ordered, that the authority herein granted shall become effective on the 20th day after the date of this order and that applicant Alameda Transportation Company, a corporation, shall keep such record of the issue and disposition of the stock herein authorized as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this seventeenth day of March, 1926.

Decision No. 16219.

IN THE MATTER OF THE APPLICATION OF CROWLEY LAUNCH AND TUGBOAT COMPANY, A CORPORATION, FOR AUTHORITY TO MAKE CERTAIN CHANGES IN ITS RATES, RULES AND REGULATIONS, AND FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY DEFINING AND VALIDATING CERTAIN OPERATIVE RIGHTS OWNED AND EXERCISED BY APPLICANT FOR THE TRANSPORTATION OF PROPERTY FOR COMPENSATION BY VESSELS BETWEEN POINTS UPON THE INLAND WATERWAYS OF THE STATE OF CALIFORNIA.

Application No. 12284

IN THE MATTER OF THE APPLICATION OF CROWLEY LAUNCH AND TUGBOAT COMPANY, A CORPORATION, FOR AUTHORITY TO MAKE CERTAIN CHANGES IN ITS FARES, RULES AND REGULATIONS APPLICABLE TO THE TRANSPORTATION OF PERSONS BY VESSEL UPON THE INLAND WATERWAYS OF THE STATE OF CALIFORNIA, AND FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY DEFINING AND VALIDATING CERTAIN OPERATIVE RIGHTS OWNED AND EXERCISED BY APPLICANT FOR THE TRANSPORTATION OF PASSENGERS FOR COMPENSATION BY VESSELS BETWEEN POINTS UPON THE INLAND WATERWAYS OF THE STATE OF CALIFORNIA.

Application No. 12285.

Decided March 17, 1926.

CERTIFICATE—CARRIER BY WATER—PERSONS AND PROPERTY.—Certificate granted Crowley Launch and Tugboat Company to operate vessels for the transportation of persons and property between points on the Oakland estuary.

RATES.—Authority granted applicant to cancel rates, rules and regulations published in Local Towing and Special Service Tariff No. 1, C. R. C. No. 3, and Demurrage Tariff No. 1, C. R. C. No. 4, and Local Freight Tariff No. 2, C. R. C. No. 2, and Local Passenger Tariff No. 2, C. R. C. No. 2, and to publish in lieu thereof rates, rules and regulations shown in Exhibits "A" of the application herein.

Sanborn and Roehl and DeLancey C. Smith, by *A. B. Roehl,* for Applicant.

BY THE COMMISSION.

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OPINION.

These are applications filed by the Crowley Launch and Tugboat Company, a corporation, requesting the Commission under the provisions of section 50 (*d*) of the Public Utilities Act for a certificate of public convenience and necessity validating and confirming the right to operate vessels for the transportation of persons and property between points on San Francisco, San Pablo and Suisun bays and their arms and tributaries, including points on the Sacramento River and its tributaries, Sacramento and west; the San Joaquin River below Streckers; Mokelume River below New Hope, and Old and Middle rivers. Permission is also requested to cancel entirely Local Towing and Special Service Tariff No. 1, C. R. C. No. 3, and to cancel on one day's notice the rates, rules and regulations published in Demurrage Tariff No. 1, C. R. C. No. 4; Local Freight Tariff No. 2, C. R. C. No. 2, and Local Passenger Tariff No. 2, C. R. C. No. 2, and to publish in lieu thereof the rates, rules and regulations shown in Exhibits "A" of the applications.

The petition sets forth, (*a*) that prior to September 15, 1923, the date when section 50 (*d*) of the Public Utilities Act became effective and ever since that time, applicant was and has been actively engaged in the business of transporting persons and property for compensation between points on the inland waterways of the State of California under tariffs lawfully on file with this Commission and is therefore entitled to continue its operations by virtue of said section; (*b*) that its Local Towing and Special Service Tariff No. 1, C. R. C. No. 3, names rates, rules and regulations governing special service, such as towing, rental of equipment, etc., over which this Commission has no jurisdiction and (*c*) that many of the rates, fares, rules and regulations published in Demurrage Tariff No. 1, C. R. C. No. 4; Local Freight Tariff No. 2, C. R. C. No. 2 and Local Passenger Tariff No. 2, C. R. C. No. 2, are not used by applicant in its common carrier operations and should, therefore, be canceled and that the rates, fares, rules and regulations shown in Exhibits "A" of the applications are those that apply to its operatitons and, except for minor modifications, are reproduced from the tariffs for which authority is requested to cancel.

A public hearing was held at San Francisco January 22, 1926, before Examiner Geary and the applications having been duly submitted are now ready for our opinion and order.

APPLICANT'S OPERATIVE RIGHTS.

The extent to which applicant is entitled to operate as a common carrier upon the inland waters of this state must be determined by the scope of its activities on September 15, 1923, and prior thereto,

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when by the enactment of chapter 387, Statutes 1923, section 50 (*d*) of the Public Utilities Act became effective. That section of the act reads, in part, as follows:

> No corporation * * * shall hereafter operate or cause to be operated, any vessel between points exclusively on the inland waters of this state, without first having obtained from the Railroad Commission a certificate declaring that present or future public convenience and necessity require or will require, such operation, *but no such certificate shall be required of any corporation * * * which is actually operating vessels in good faith, at the time this act becomes effective, between points exclusively on the inland waters of this state under tariffs and schedules of such corporations * * * lawfully on file with the Railroad Commission.* (Italics ours.)

Applicant first filed tariffs with this Commission in the latter part of 1917. At that time the Public Utilities Act did not require water carriers to secure a certificate of public convenience and necessity before beginning operations, but it did require them to file their tariffs with the Commission. The tariffs filed in 1917 remained in effect until June 1, 1920, when they were canceled by schedules issued by the Bay and River Boat Owners Association, hereinafter referred to as the association, an organization composed of approximately thirty-five bay and river boat operators, including the applicant. The association issued freight and passenger tariffs in which all its members were named as participating carriers. Although the territory served by some members of the association was very limited the scope of those tariffs was broad enough to collectively embrace each individual member's operations, and named rates and fares between practically all points on San Francisco, San Pablo and Suisun bays and the navigable portions of the Sacramento, San Joaquin, Mokelumne, Old and Middle rivers. In 1924 the association was dissolved and effective October 1, 1924, applicant published its individual tariffs and is now conducting its common carrier operations thereunder.

The evidence indicates that on September 15, 1923, the date section 50 (*d*) of the Public Utilities Act became effective, applicant was operating vessels in good faith under tariffs lawfully on file with this Commission. Applicant's general superintendent testified that it is not now the intention to enlarge the past or present operations, but specific authority is requested to continue in effect a service that was rendered prior to September 15, 1923, and has been rendered since that time between practically all points on the bays of San Francisco, San Pablo and Suisun, including service to, from and between points on the Oakland estuary, located in the cities of Oakland and Alameda and on the Sacramento, San Joaquin, Mokelumne, Old and Middle rivers, with the exception that no service has ever been rendered on the Sacramento River north of Sacramento.

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The service from, to and between points in Alameda was rendered under the assumption that the term "Oakland" used in the tariff included all points within the Oakland harbor on both the Oakland and Alameda sides. With this latter contention we are not in accord. The term "Oakland" as used in applicant's tariff embraces all points in the city of Oakland on the estuary, but it can not be construed to include points located in the city of Alameda. However, the evidence shows that applicant was and is lawfully serving points in the estuary on the Oakland side, and to exclude it from serving points in Alameda, situated only a few feet therefrom, because of a tariff technicality, would be manifestly unjust.

Upon the facts of record, we find that public convenience and necessity require the operation by applicant of vessels for the transportation of persons and property for compensation on the inland waterways of the State of California between the points as shown in Exhibits "A" of the application and also from, to and between points on the Oakland estuary in the city of Alameda to the same extent that service is rendered from, to and between points on the Oakland estuary in the city of Oakland.

THE OPERATIONS OF APPLICANT UNDER LOCAL TOWING AND SPECIAL SERVICE TARIFF No. 1, C. R. C. No. 3.

The charges shown in this tariff cover the service for towing, moving pile drivers, barges, lighters, fumigating gears and vessels; running lines and anchors for vessels; rental of launches, barges, lighters and other equipment.

Applicant contends that this accessorial service was and is rendered under special contracts and that the charges vary according to the circumstances existing at the time the contracts are made, such as the condition of the equipment to be towed or rented, weather, tidal and other hazards which at the particular time enter into the charge. This towing service, applicant maintains, not being a common carrier transportation of persons or property for compensation, does not come within the purview of its activities as a common carrier, and, therefore, is not subject to the jurisdiction of this Commission.

The term "common carrier" in so far as it relates to applicant is defined in section 2 (*l*) of the Public Utilities Act as:

> A corporation * * * owning, controlling, operating or managing any vessels *engaged in the transportation of persons or property* for compensation between points upon the inland waters of this state. (Italics ours.)

The United States Supreme Court in *Gloucester Ferry Company* vs. *Commonwealth of Pennsylvania*, 114 U.S. 196, said:

> Transportation implies the taking up of persons or property at some points and putting them down at another.

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Applicant in rendering a towing service does not come into the custody of the persons or property to be transported; hence can only be the indirect means whereby the transportation service is rendered. The vessel towed may itself be a common carrier, but whatever its status the duty of transporting the persons or property is vested with it and not with the tower. In a well known case, *Thomas McNally* vs. *Steam Tug L. P. Dayton et al.*, 120 U S. 337, the United States Supreme Court held that:

> As between the tow and its tug * * * the contract of towage involves a responsibility for loss upon the tug only by reason of the want of ordinary care; *for a tug is not a common carrier* * * *. (Italics ours.)

The court also held the same view in *The Steam Tug Margaret* vs. *Charles Bliss et al.*, 94 U. S. 494; *The J. P. Donaldson,* 167 U. S. 599, and the *Eastern Transportation Line* vs. *Patrick F. Hope,* 95 U. S. 297.

We conclude and find that the service performed by applicant under the rates, rules and regulations shown in Local Towing and Special Service Tariff No. 1, C. R. C. No. 3, is not within the jurisdiction of the Commission.

CANCELLATION OF LOCAL FREIGHT, PASSENGER AND DEMURRAGE TARIFFS.

Applicant maintains that the rates, fares, rules and regulations in the present tariffs, being a continuation of the rates, fares, rules and regulations originally published in the tariffs of the Bay and River Boat Owners Association, do not now in all respects apply to its operation. As previously stated, the tariffs of the association were not intended to cover a single water carrier, but were published to cover collectively the operations of all members. As a result, the tariffs of applicant contain many rates, fares, rules and regulations not applicable to its operations and for which authority is now requested to cancel. The revised rates, fares, rules and regulations shown in Exhibits "A" of the applications are for the most part the same in volume as those in the present tariffs.

Applicant's general superintendent testified that the increases resulting from the elimination of various items were purely technical, they never having been used, and that the readjustment would not in any manner increase the operating revenue.

We conclude and find that applicant should be authorized to cancel the rates, rules and regulations in Demurrage Tariff No. 1, C. R. C. No. 4; Local Freight Tariff No. 2, C. R. C. No. 2, and Local Passenger Tariff No. 2, C. R. C. No. 2, and to substitute in lieu thereof the rates, rules and regulations shown in Exhibits "A" of the applications.

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ORDER.

A public hearing having been held in the above entitled applications, evidence having been submitted by the applicant, and the Commission being fully advised:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by applicant, Crowley Launch and Tugboat Company, a corporation, of vessels for the transportation of persons and property for compensation on the inland waters of the State of California between the points as shown in Exhibits "A" of the applications and points on the Oakland estuary located in the city of Alameda. This authority does not enlarge the operative rights of applicant conducted under Local Freight Tariff No. 4, C. R. C. No. 2, and Local Passenger Tariff No. 2, C. R. C. No. 1, of Bay and River Boat Owners Association reissued as applicant's Local Freight Tariff No. 2, C. R. C. No. 2, and Local Passenger Tariff No. 2, C. R. C. No. 2, respectively, except as to the service from, to and between points in the city of Alameda, herein specifically authorized; and

It is hereby ordered, that a certificate of public convenience and necessity to cover such operations be and the same is hereby granted.

It is hereby further ordered, that applicant, Crowley Launch and Tugboat Company, a corporation, be and it is hereby authorized to cancel the rates, rules and regulations published in Local Towing and Special Service Tariff No. 1, C. R. C. No. 3.

It is hereby further ordered, that applicant, Crowley Launch and Tugboat Company, be and it is hereby authorized to cancel, on ten (10) days' notice to the Commission and to the public, the rates, rules and regulations published in Demurrage Tariff No. 1, C. R. C. No. 4; Local Freight Tariff No. 2, C. R. C. No. 2, and Local Passenger Tariff No. 2, C. R. C. No. 2, and to publish in lieu thereof the rates, rules and regulations shown in Exhibits "A" of the applications.

Dated at San Francisco, California, this seventeenth day of March, 1926.

DECISION No. 16248.

IN THE MATTER OF THE APPLICATION OF ELK GROVE MUTUAL TELEPHONE ASSOCIATION TO SELL CERTAIN PROPERTY AND OF ELK GROVE TELEPHONE COMPANY, A CORPORATION, TO PURCHASE SAID PROPERTY, AND FOR ORDER AUTHORIZING ISSUE OF STOCK.

Application No. 12342.

Decided March 18, 1926.

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TRANSFER—CERTIFICATE—TELEPHONE UTILITY—STOCK—TO ISSUE—RATES.—Elk Grove Mutual Telephone Association authorized to sell its properties to Elk Grove Telephone Company, and latter is authorized to purchase the same, and to operate telephone service in exchange area defined in map attached hereto. Also the latter is authorized to issue 2400 shares of common stock, par value $24,000, and to use the proceeds thereof in part to pay for said properties, and for other corporate purposes. Rates established for service proposed herein.

Hughes, Bradford, Cross and Prior, by *H. B. Bradford*, and *Ernest Irwin*, for Applicants.
L. M. Brown, for The Pacific Telephone and Telegraph Company.
Ernest Irwin, for California Independent Telephone Association.

BY THE COMMISSION.

OPINION.

In the original application in this proceeding, applicant, Elk Grove Telephone Company, a corporation organized for the purpose of acquiring and operating certain telephone properties in Elk Grove and environs, Sacramento County, asked that the Railroad Commission issue its order permitting the sale of stock and granting a certificate of public convenience and necessity covering its proposed operations.

A hearing was held in this matter by Examiner Satterwhite in Sacramento on February 16, 1926.

At the hearing an amended application was presented and filed, which set forth a joint request on the part of Elk Grove Mutual Telephone Association for permission to sell certain property and Elk Grove Telephone Company to purchase such property, and to issue four hundred (400) shares of stock of the aggregate par value of $4,000, to cover the purchase price of the property referred to, and two thousand (2000) additional shares of the aggregate par value of $20,000, to be sold for cash to finance the cost of purchasing existing farmer lines, if advisable, and of making replacements and extensions. A further amendment to the original application has since been filed in which applicant Elk Grove Telephone Company asks permission to file and make effective certain rules and regulations governing the telephone service which it proposes to render.

Applicant Elk Grove Mutual Telephone Association has for some time past owned and maintained central office facilities and main pole leads and wire lines within a radius of one-half mile of its central office in the town of Elk Grove. Ownership of all other pole and wire facilities, and telephone instruments, with one exception, is vested in the subscribers. The Elk Grove Mutual Telephone Association, however, has been responsible for the maintenance of all plant, regardless of ownership, for about the last three years.

Although no other exchange telephone service, except that furnished by the association, is offered or available in Elk Grove and immediate vicinity, it appears from the evidence that some overlap-

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ping of service provided by the Elk Grove Mutual Telephone Association with that furnished by other utilities exists at points more distance from Elk Grove. Applicant filed as one of its exhibits a map showing the territory served by the Elk Grove Mutual Telephone Association and that in which the Elk Grove Telephone Company desires to render exchange telephone service under a certificate of public convenience and necessity. Testimony shows that there are certain subscribers' stations located outside this territory which are served from the Elk Grove central office and certain other stations which are within the territory, but are served from outside central offices of other utilities. Witnesses for applicants testified that the residents of Florin and vicinity were desirous of receiving service from Elk Grove rather than Sacramento on account of relationships existing between the two communities. Contrasted with this statement is evidence submitted by The Pacific Telephone and Telegraph Company, from which it appears that there are approximately fifty (50) subscribers' stations in Florin and vicinity which are served from the Sacramento central office as compared with twenty (20), more or less, served from the central office at Elk Grove. It appears that, due to matters discussed above, some modification should be made in the boundary of the territory to be served by Elk Grove Telephone Company. The modified territorial boundary line is shown in Exhibit "A," attached hereto.

Rural Union Telephone Company, sometimes referred to as Schoech's Central, has been operating as a public telephone utility in the area immediately surrounding and including Franklin, Sacramento County, which area is included in the territory in which the company desires to render telephone service. Testimony submitted at the hearing shows that the service at present furnished by the Rural Union Telephone Company is inadequate and of little value, that the Rural Union Telephone Company desires to abandon its operations as a public utility and that residents of Franklin and former patrons of the Rural Union Company elect to receive telephone service from some other source. The Rural Union Telephone Company has since the hearing in this matter filed an application to abandon telephone utility operations.

The reorganization of the Elk Grove Mutual Telephone Association is in accordance with suggestions made by this Commission and it appears that the present subscribers of the Elk Grove Mutual Telephone Association and the public generally in the locality involved would be benefited by the granting of this petition of applicants. There appears to be no reason why the Elk Grove Telephone Company should not be allowed to commence operations as a public

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utility in the territory proposed in the evidence supporting its application, with certain modifications and under the rates at present charged and collected by the Elk Grove Mutual Telephone Association, shown in Exhibit "B" attached hereto.

Elk Grove Telephone Company has an authorized capital stock of $50,000 divided into 5000 shares of the par value of $10 each, all common. In connection with the request of the corporation to issue $4,000 of stock in payment for the properties of the Elk Grove Mutual Telephone Association, reference is made by applicants to a valuation prepared by the Commission's engineering department in 1922 in Application No. 7893, a rate matter, wherein the historical reproduction cost of the properties as of June 1, 1922, was estimated at $4,480, and the historical reproduction cost less depreciation at $3,104. Since the date of the appraisal, according to the testimony herein, net additions have been made to the plant of about $1,500, bringing the historical reproduction cost undepreciated, based on the earlier appraisal of $4,480, as of January 1, 1926, up to about $6,000. The historical reproduction cost less depreciation, in the opinion of Ernest Irwin, an engineer called as one of applicants' witnesses, is in excess of $4,000, the amount of stock the corporation proposes to issue for the properties.

Coming to the request of the corporation to issue $20,000 of stock, it appears that the company proposes to sell such additional amounts from time to time as arrangements are made to take over existing farmers' lines and for additions and extensions.

In this proceeding the company reports the necessity of expending, from the proceeds from the sale of the $20,000 of stock, the sum of $11,350 for the purpose of constructing five new lines known as the West, East, Florin, Franklin and Wilton lines. The $11,350 consists of $2,950 for the West line, $1,150 for the East line, $1,900 for the Florin line, $2,200 for the Franklin line and $3,150 for the Wilton line and, as shown in Exhibit "4," includes the following items:

One-quarter mile of 50 pair cable	$665 00
One-quarter mile of 75 pair cable	800 00
One-quarter mile of 100 pair cable	985 00
Messenger cable	275 00
Poles	3,600 00
Wire, Nos. 12 and 14 galvanized iron	1,000 00
Cross arms and glass	950 00
Twisted service pairs and poles	300 00
Cable terminals	25 00
Labor	2,750 00
Total	$11,350 00

Based on the showing made in this matter the order herein will authorize the issue of $4,000 of stock in full payment for the proper-

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ties of Elk Grove Mutual Telephone Association, although such permission is not to be construed as a finding of value of such properties, the issue and sale for cash at not less than par of $20,000 of stock and the use at this time of $11,350 of the proceeds received thereby for the purchase of the lines described in Exhibit "4." The remaining proceeds may be used only as authorized by the Commission in supplemental orders.

ORDER.

Elk Grove Mutual Telephone Association and Elk Grove Telephone Company having made application to the Railroad Commission, the former seeking permission to sell, and the latter to purchase, certain telephone properties in Elk Grove, Sacramento County, and vicinity; Elk Grove Telephone Company having made application for permission to issue stock and for an order granting a certificate of public convenience and necessity requiring it to operate as a public utility in and in the vicinity of Elk Grove, a public hearing having been held, the Railroad Commission having fully considered all evidence in this proceeding, and the matter being submitted and ready for decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require Elk Grove Telephone Company to operate the telephone system formerly operated by Elk Grove Mutual Telephone Association.

The Railroad Commission finds as a fact that the Elk Grove Telephone Company should render telephone service throughout the territory as shown in Exhibit "A," attached, under rates effective for service rendered by Elk Grove Mutual Telephone Association and set forth in Exhibit "B," attached.

Basing its order on the foregoing finding of fact and upon other findings of fact contained in the opinion preceding this order;

It is hereby ordered, that Elk Grove Telephone Company shall:

(1) Furnish on and after May 1, 1926, telephone service within the territory shown in Exhibit "A," attached hereto.

(2) Charge and collect, effective as of May 1, 1926, the rates for service as shown in Exhibit "B," attached hereto.

(3) File with the Railroad Commission on or before April 30, 1926, the schedule of rates referred to in Section (2) above, together with rules and regulations similar to those set forth in this Commission's Decision No. 13478 (24 C. R. C. 854) and as may be approved by this Commission.

(4) File with the Railroad Commission on or before April 30, 1926, a map of territory served as shown in Exhibit "B," attached hereto.

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It is hereby further ordered, that Elk Grove Telephone Company be and it is hereby authorized to issue, on or before December 31, 1926, 2400 shares of its common capital stock, of the aggregate par value of $24,000, and to deliver 400 shares thereof in full payment for the properties of Elk Grove Mutual Telephone Association and to sell the remaining 2000 shares for cash at not less than par, such authority being subject to the following conditions:

(1) Of the proceeds to be received through the issue and sale of the 2000 shares herein authorized, not more than $11,350 may be used to finance the cost of the construction work described in Exhibit No. "4," and referred to in the foregoing opinion. The remaining proceeds, and such portion of the $11,350 not needed for the work described in Exhibit No. "4" may be used only when authorized by the Commission in supplemental orders.

(2) The amount of stock which Elk Grove Telephone Company is authorized to issue in payment for the properties of Elk Grove Mutual Telephone Association shall not be urged before this Commission or other court or public body having jurisdiction as a measure of value of such properties for the purpose of fixing rates.

(3) Elk Grove Telephone Company shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this eighteenth day of March, 1926.

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EXHIBIT "A."

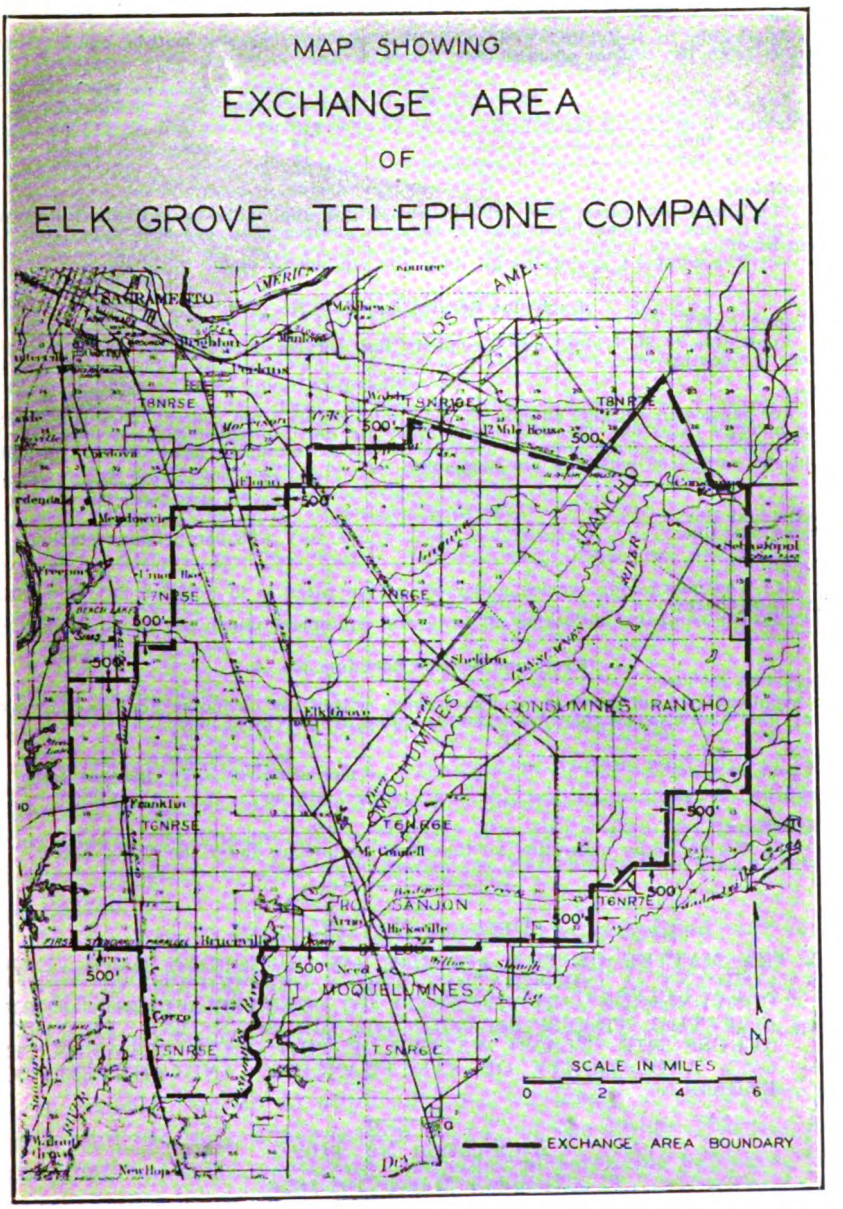

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EXHIBIT "B."

RATES.

Exchange Service Schedule No. A-1.

General Service. Elk Grove.

Service.

Applicable to individual and party line flat rate service within one-half mile radius from the central office at Elk Grove.

Rate.

Grade of Service	Rate per Station per Year: Business Service	Residence Service
Individual line	$18 00	$15 00
Two-party line	16 80	13 80
Five-party line	15 00	12 00

Conditions.

(1) The above rates, plus mileage rates, are applicable to individual line and two-party line stations located at a distance greater than one-half mile from the central office.

(2) The company maintains all lines and equipment under the above rates.

Exchange Service Schedule No. A-4.

Mileage Rates.

Applicable to individual and two-party line service outside one-half mile radius from the central office.

Rate.

For service to stations outside one-half mile radius from central office the following mileage rates are effective, based upon air line mileage measured between the station and the nearest point in a circle the center of which is at the central office and the radius of which is one-half mile.

	Rate per month per one-quarter (¼) mile or fraction thereof (air line distance)
Individual line	$0 50 per line
Two-party line	35 per primary station

Conditions.

(1) The charge for service under the above rates is in addition to the regular flat rate charges.

(2) The company maintains all lines and equipment under the above rates.

Exchange Service Schedule No. A-5.

Suburban Service.

Applicable to suburban party line service, within the exchange area as shown on map filed herewith, outside one-half mile radius from central office.

Rate.

Grade of Service	Rate per Station per Year: Business Service	Residence Service
Suburban Service	$15 00	$12 00

Conditions.

(1) The company maintains all lines and equipment under the above rates.

DECISION No. 16250.

IN THE MATTER OF THE APPLICATION OF GOLDEN GATE FERRY COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A PUBLIC FERRY FOR THE TRANSPORTATION OF PERSONS AND PROPERTY ACROSS THE INLAND WATERS OF THE STATE BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE CITY OF BERKELEY.

Application No. 11692.

Decided March 19, 1926.

CERTIFICATE—TRANSPORTATION—PUBLIC FERRY—INLAND WATERS—SAN FRANCISCO AND BERKELEY.—Petition of Golden Gate Ferry Company for rehearing of its application for a certificate to operate a public ferry service between Berkeley and San Francisco, denied. It being admitted that no public neces-

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ity and convenience exist for additional foot passenger service, and applicant having, through its president, declined to amend its petition to eliminate foot passengers, and the Commission being under the necessity of granting, or denying, the application "as prayed for" the Commission has no alternative but to deny the application and the petition for rehearing.

Dudley Sales and *Derlin and Brookman*, for the Applicant.
E. J. Sinclair, City Attorney, and *Frank B. Stringham*, Mayor, for the City of Berkeley.
H. C. Booth, for Protestant Southern Pacific Company.
Dunne, Brobeck, Phleger and Harrison, by *H. H. Phleger*, for Protestant Key System Transit Company.
Charles Keeler, for Berkeley Chamber of Commerce.
T. H. Delap, for Richmond Chamber of Commerce.
George W. Hickman, for Albany Improvement Association.
J. J. Rahill, for Berkeley Manufacturers Association.
Herbert L. Hatch, for Park-Presidio Association and Geary Street Merchants' Association.
Walter M. King, for Golden Gate Merchants Association.
J. H. Janson, for University Avenue Development Association, Berkeley.
W. C. Aylsworth, for North Berkeley Business Men's Association.
W. H. McLaughlin, for Post-Van Ness-Larkin District Association.
James S. Greene, for National Automobile Club.
Edward F. Schulz, for San Pablo Avenue Development Association.
Fred S. Stripp, for Berkeley Lions Club and North Brae Improvement Club.
Donald Parce, for Kensington Improvement Club.
C. A. Squire, for Sausalito Chamber of Commerce.
John A. O'Connell for San Francisco Labor Council.
Frank E. Bates, for Sherman, Clay and Company.
Reed J. Bekins, for Bekins Van and Storage Company.
George W. Gerhard, for Civic League of Improvement Clubs and Associations of San Francisco.
Campbell Hardy, for Sausalito Chamber of Commerce.
John J. O'Toole, City and County Attorney, and *John J. Daily*, for City and County of San Francisco.

BY THE COMMISSION.

OPINION ON PETITION FOR REHEARING.

This is an application for a certificate of public convenience and necessity to operate a public ferry for the transportation of (1) foot passengers, (2) automobiles and their occupants and (3) trucks and freight, between the city and county of San Francisco and the city of Berkeley.

On January 25, 1926, the Commission filed its opinion and order denying the application. On February 2, 1926, the applicant filed its petition for rehearing. The petition for rehearing was set for argument on February 18, 1926, and was heard by the Commission en banc.

In order to entitle an applicant to a certificate of public convenience and necessity under section 50 (*d*) of the Public Utilities Act, the applicant must prove, by competent and reliable evidence, that public convenience and necessity exist for the transportation of each and all of the classes of traffic mentioned in its application. A failure to establish this as to any one of these classes of traffic makes it impossible for the Commission to grant the certificate, since this pro-

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vision of the statute does not confer upon the Commission power to grant a certificate imposing conditions not contained in the application. The certificate must be granted or denied "as prayed for," with the single exception that the Commission "may issue it for operations between certain points only." In other words, this applicant might limit the extent of its application and undertaking to the transportation of automobiles and their occupants and trucks and freight, and upon presenting proper proof, might receive such a certificate. This, however, the applicant has so far refused to do, contending that if it can produce substantial evidence showing public convenience and necessity for any single operation among the several proposed by it, it would be entitled to a certificate covering all such proposed operations. With this contention we can not agree.

One of the grounds upon which this application was originally denied was that applicant had produced no evidence to support its application to carry foot passengers between Berkeley or the East Bay cities and San Francisco. In its application for rehearing applicant does not claim that this Commission erred in so deciding and finds no fault with that portion of the decision finding that no such evidence had been produced.

The original hearing occupied several days and every opportunity was afforded the applicant to prove its case. Many witnesses were called on its behalf, and not one testified that there was any necessity for additional facilities for the transportation of foot passengers from Berkeley or the East Bay district to San Francisco. In fact, A. O. Stewart, the president of the applicant, testified that there was no necessity for additional facilities for such transportation of foot passengers. Harry E. Speas, the vice president and general manager of the applicant, also testified that there was no necessity for additional facilities for the transportation of such foot passengers. Testimony to the same effect was given by H. C. Butler, the engineering expert of the applicant. John N. Edy, city manager of Berkeley, and Charles Keeler, executive secretary of the Berkeley Chamber of Commerce, were called as witnesses on behalf of the applicant and both testified that no additional facilities for such transportation of foot passengers were necessary or required and Mr. Keeler testified that the present facilities were excellent.

These officers and experts of the applicant and the city manager of Berkeley and the executive secretary of the Chamber of Commerce undoubtedly testified correctly in this regard, and their testimony should have weight with this Commission.

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At the close of the argument on the application for rehearing, and in answer to a question from the Commission, the attorney for the applicant, after consultation with A. O. Stewart, the president of the company, and with his approval, stated that the applicant, under the application now before us, would not accept a certificate of public convenience and necessity for the transportation of automobiles with their occupants and trucks and freight, unless it also was granted the right to carry foot passengers. This attitude, on the part of the applicant, has made it impossible for the Commission to grant the rehearing. If the applicant had shown a willingness to amend its application so as to cover automobiles and their occupants and trucks and freight, excluding foot passengers, the Commission would have been inclined to grant the rehearing. However, should the applicant change its attitude and desire a certificate to carry automobiles and their occupants and trucks and freight, excluding foot passengers, the way is still open to it to file a new application for such a limited certificate, which application would receive due and careful hearing by this Commission.

An application for a certificate of public convenience and necessity must have some evidence to support it before it can be granted by the Commission.

No evidence having been produced to show any necessity for additional facilities for the transportation of foot passengers between Berkeley or other East Bay cities and San Francisco, and all the evidence, including that of the officers and experts of the applicant, being that there exists no public convenience or necessity therefor, and no issue having been raised upon that question by the application for rehearing, and no suitable offer having been made by the applicant, or any of the cities appearing herein, to introduce testimony in support of its application to carry foot passengers if a rehearing were granted, and the applicant having failed to amend its application and having refused to accept a certificate of public convenience and necessity for the transportation of automobiles and their occupants and trucks and freight, if denied the right to carry foot passengers, leaves the Commission no alternative other than to deny the application for rehearing.

ORDER.

Golden Gate Ferry Company having applied for a rehearing of this Commission's Decision No. 15899, in the above entitled matter, this application for rehearing having come before this Commission

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for argument, and the Commission having fully considered the matter, now, therefore, for the reasons appearing in the above opinion;

It is hereby ordered, that the application for rehearing be and the same is hereby denied.

Dated at San Francisco, California, this nineteenth day of March, 1926.

DECISION No. 16251.

IN THE MATTER OF THE APPLICATION OF SAN FRANCISCO-RICHMOND FERRY COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF STOCK OF THE PAR VALUE OF EIGHT HUNDRED THOUSAND DOLLARS.

Application No. 5097.

Decided March 19, 1926.

SECURITIES—STOCK—TO ISSUE—TRUST FUNDS.—Finding that the applicant is not in a position to go ahead with its projected ferry service, and can not go forward, the Commission orders the funds derived from the sale of stock, held in trust by the Wells Fargo Bank and Union Trust, distributed to the stockholders, with interest thereon in proportion to their various holdings.

Elmer E. Robinson, for San Francisco-Richmond Ferry Company.
Maxwell McNutt and *De Lancey C. Smith*, for O. R. Ludwig.

BY THE COMMISSION.

OPINION ON PETITION FOR REHEARING.

On the eighteenth day of July, 1925, the Commission filed its opinion and order in the above entitled matter. On the nineteenth day of August, 1925, the San Francisco-Richmond Ferry Company filed its application for a rehearing.

Although the opinion in the above matter sets forth quite fully the reasons for the order made therein, the Commission has since the filing of said application for rehearing given further and very careful consideration to the matter.

At the time of the first hearing upon this application, the Commission was doubtful as to the ability of the applicant to promote the enterprise for which the application was sought, and in order to be certain that the public service sought to be rendered would in fact be rendered and that the investors in the stock of the applicant would be fully protected, in the event that the applicant was not successful in promoting its finances, this Commission made an order directing that all money received from subscriptions to stock should be impounded and not expended save upon approval of this Commission. This action of the Commission has been fully justified by subsequent events. It was the purpose of the Commission in making this order to retain jurisdiction of the funds so paid in by the stockholders in

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order that, should the enterprise prove a failure, the Commission would be in position to direct the return to the stockholders of the money that they had entrusted to the promoters of this enterprise. The Commission is of the opinion that the purpose of the company was not fulfilled; that the company has not gone forward and can not go forward, and that the money subscribed by the stockholders, together with interest thereon, should be returned to them.

ORDER.

It is hereby ordered, that Paragraph No. 13 in the opinion dated July 18, 1925, which reads as follows:

> That no debts incurred by the Ferry Company are a proper charge aginst the money impounded from the sale of stock except those heretofore authorized and ordered by the Commission.

be amended and changed to read as follows:

That no debts incurred by the Ferry Company are a proper charge against the money impounded from the sale of stock, except those authorized and ordered by the Commission prior to the date of the filing of this opinion and order.

That paragraph marked 14 of said opinion, which reads as follows:

> That all of the moneys received from the sale of stock now deposited in Wells Fargo Bank and Union Trust Company at San Francisco or elsewhere deposited are held in trust by said San Francisco-Richmond Ferry Company for its stockholders.

be amended and changed to read as follows:

That all of the moneys received from the sale of stock now deposited in the Wells Fargo Bank and Union Trust Company at San Francisco, or elsewhere deposited, together with the accumulated interest thereon, are, in our opinion, held in trust by said San Francisco-Richmond Ferry Company for its stockholders.

That the paragraph in said order reading as follows:

> *It is hereby further ordered,* that on or before the twentieth day of August, 1925, the San Francisco-Richmond Ferry Company file with this Commission a statement under oath setting forth the names of all the stockholders of said company, the address of each, the number of shares of capital stock owned or held by each and the total amount of money that each of said stockholders, respectively, has paid to the San Francisco-Richmond Ferry Company and when said sums were paid and the place where said money is deposited and the name of the person, firm, or corporation, in whose name said money is deposited and upon the filing of said statement by said San Francisco-Richmond Ferry Company the Commission will, by supplemental order authorize and direct that said San Francisco-Richmond Ferry Company pay and return to each and all of the stockholders of the San Francisco-Richmond Ferry Company such sum of money as shall by said supplemental order be determined by the Commission to be due to each of said stockholders.

be amended and changed to read as follows:

It is hereby further ordered, that on or before the fifteenth day of April, 1926, the San Francisco-Richmond Ferry Company file

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with this Commission a statement under oath setting forth the names of all the stockholders of said company, the address of each, the number of shares of capital stock owned or held by each and the total amount of money that each of said stockholders respectively has paid to the San Francisco-Richmond Ferry Company and when said sums were paid and the place where said money is deposited and the name of the person, firm, or corporation, in whose name said money is deposited and upon the filing of said statement by said San Francisco-Richmond Ferry Company the Commission will, by supplemental order authorize and direct that said San Francisco-Richmond Ferry Company pay and return to each and all of the stockholders of the San Francisco-Richmond Ferry Company such sum of money as shall by said supplemental order be determined by the Commission to be due to each of said stockholders.

It is hereby further ordered, that the application of San Francisco-Richmond Ferry Company for a rehearing herein be and the same is hereby denied.

Dated at San Francisco, California, this nineteenth day of March, 1926.

DECISION No. 16252.

SAN FRANCISCO CHAMBER OF COMMERCE

vs.

SOUTHERN PACIFIC COMPANY, ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY.

Case No. 1980.

IN THE MATTER OF THE APPLICATION OF F. W. GOMPH, AGENT, IN THE NAME OF AND ON BEHALF OF ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, LOS ANGELES AND SALT LAKE RAILROAD COMPANY, PACIFIC ELECTRIC RAILWAY COMPANY, SAN DIEGO AND ARIZONA RAILWAY COMPANY, SOUTHERN PACIFIC COMPANY, WESTERN PACIFIC RAILROAD COMPANY, TO ESTABLISH INCREASED RATES FOR TRAP CAR SERVICE AT POINTS IN CALIFORNIA.

Application No. 11703.

Decided March 19, 1926.

RATES—STEAM RAILROAD—TRAP CAR SERVICE.—Rehearing asked for by certain wholesale grocery companies, heretofore enjoying trap car service, held by the Commission to be discrimination, denied.

BY THE COMMISSION.

DENIAL OF APPLICATION FOR A REHEARING AND MODIFICATION OF ORDER.

Haas Bros., Sussman, Wormser & Company, J. H. Newbauer & Company, Dodge, Sweeney & Company, interveners in the above

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entitled case and application, have filed their petition asking that a rehearing be granted and the order modified in Case No. 1980 and Application No. 11703, decided the fifteenth day of February, 1926, and assigned Decision No. 15997.

Petitioners contend that this Commission erred in its failure to prescribe and order that no charge should be assessed for switching trap cars loaded to a minimum of 6000 pounds in weight moved direct from the industry tracks to the train, subject to a minimum line haul revenue of $15 per car.

In our decision we found that the trap car freight originating at Grocers Terminal, San Francisco, should not be afforded any different treatment than that afforded other localities throughout the State of California and that any special treatment accorded Grocers Terminal on account of the volume of trap car freight originating at that point would create discrimination, in violation of section 19 of the act prohibiting the granting of preference or advantage.

Upon consideration of the petition filed by Haas Bros., Sussman, Wormser & Company, J. H. Newbauer & Company, Dodge, Sweeney & Company, interveners for reconsideration of the record as made, and it appearing that all of the matters set forth in said petition were fully considered in making the order complained of:

It is hereby ordered, by the Railroad Commission of the State of California, that the petition for reconsideration of the record as made herein be and the same is hereby denied.

Dated at San Francisco, California, this nineteenth day of March, 1926.

DECISION No. 16253.

IN THE MATTER OF THE APPLICATION OF BELL WATER COMPANY FOR AN ORDER AUTHORIZING AN INCREASE IN WATER RATES.

Application No. 11238.

Decided March 19, 1926.

RATES—WATER UTILITY—TO INCREASE.—Application granted. Multiple minimum charges eliminated.

A. B. Shaub, and *Hulme, Hastings and Bartlett,* by *J. N. Hastings,* for Applicant.
F. E. Goodray and certain other consumers, Protestants.

BY THE COMMISSION.

OPINION.

This is an application of Bell Water Company, a corporation, for authority to increase rates for water service in and in the vicinity of Bell, Los Angeles County. The applicant alleges in effect that the present authorized rate schedule does not return sufficient revenues

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to meet operating expenses, depreciation allowance and a return on its investment; that the expenses of the company have been materially increased on account of improvements made to the system and that it will be necessary in the near future to begin an extensive program of construction to meet the increasing service requirements of the community served.

Public hearings in this proceeding were held in Los Angeles and Bell before Examiner Williams after all interested parties had been duly notified and given an opportunity to appear and be heard.

The schedule of rates now in effect was fixed by this Commission in Decision No. 14469, rendered January 17, 1925, in Application No. 10503, and is as follows:

Meter Rates for Domestic, Commercial and Irrigation Consumers.

Minimum Monthly Charges.

⅝-inch meter	$1 00
¾-inch meter	1 50
1-inch meter	2 00
1½-inch meter	4 00
2-inch meter	6 00
3-inch meter	12 00
4-inch meter	18 00
6-inch meter	35 00

Each of the foregoing monthly minimum charges will entitle the consumer to the quantity of water that the minimum monthly charge will produce at the following "monthly meter rates."

Monthly Meter Rates.

From 0 to 500 cubic feet, per 100 cubic feet	$0 20
From 500 to 2000 cubic feet, per 100 cubic feet	15
2000 cubic feet and above, per 100 cubic feet	10

Flat Rate Irrigation Use Per Hour.

Full flow of pump No. 2, one hour or less	$3 50
All in excess of one hour, per hour or fraction thereof	3 50

Fire Hydrant Rentals.

Per hydrant per month	$1 50

This company has appeared before the Commission for rate increases in several other proceedings. A detailed history and summarization of these proceedings will be found in Decision No. 14469 in Application No. 10503 (25 C. R. C., 858), to which decision reference is hereby made.

The water supply for this system is obtained by pumping from deep wells into a tank approximately 90 feet in height, from which it is delivered by gravity to approximately 1250 consumers. Last year the company installed a new steel tank and tower at a higher elevation than the old tank, and thereupon discovered that the existing pumping equipment was not designed to pump against the increased head. However, the equipment was continued in operation and resulted in

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a higher operating expense than could normally have been expected if the pumping plant had been designed for the most economical operation under the new conditions. From the testimony it appears that for a very nominal sum the applicant could lower the pumps and install a booster unit, which would effect a more efficient operation of the system. We are of the opinion that a public utility should install and maintain its equipment in such a manner that the money expended for operation would reflect economical production. While this condition of low operating efficiency possibly may not be permanent, nevertheless it should be borne in mind that this Commission will not allow the consumers of any public utility to be charged for the extra costs of operation entailed by the use of improperly designed and installed apparatus or equipment.

Applicant presented a report in which the fixed capital as of September 30, 1925, was given as $134,418. This amount does not include any sum for materials and supplies and cash on hand. The gross operating expenses, not including depreciation for the period January 1, 1925, to September 30, 1925, inclusive, were given as $7,421.42. The operating revenue for the same period totalled $17.801.45.

M. I. Reed, one of the Commission's engineers, submitted a report which showed the net capital installed as of September 30, 1925, to be $134,012, with a corresponding depreciation annuity of $3,008 computed by the sinking fund method at 5 per cent. The report also set out the maintenance and operating expenses, exclusive of depreciation, for the year ending September 30, 1925, as $13,980, and the operating revenues for the same period as $22,170.

From the evidence it appears that a rate base of $134,000 may reasonably be adopted for the purposes of this proceeding, and that the sum of $13,500 is a reasonable allowance for the operating expenses for the immediate future, making due allowance for the present operating methods employed by applicant. The annual revenues under the existing rates have been estimated to be approximately $24,000, which would reflect a net return of approximately 5.6 per cent upon a rate base of $134,000. It appears from the above figures that the rate schedule of this company should be slightly readjusted.

A considerable amount of dissatisfaction was expressed by many of the consumers with the existing rate structure as applied to the collection of a minimum monthly charge from each consumer where water is furnished to more than one consumer through the same metered service connection. This method is the outgrowth of the general practice among utilities operating under flat rates, especially where the building conditions in the early stages of development were such that several houses or buildings were located upon the same lot

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under a single ownership and supplied by the same service pipe. Generally on such systems the rates were designed to produce a certain revenue by requiring each family, house or business to pay a monthly minimum charge, a method which obviously under average conditions, even on a fully metered system, will produce more revenue than though a single minimum only is charged. The rate structure of this utility was based upon the above method of charging what is generally called multiple minimum payments. To change this type of rate structure on a fully metered system to a rate based upon a single minimum payment for each metered connection necessarily requires some increase in the quantity rates to produce the same revenues. In this instance the difference is not great, and in view of the many complaints and difficulties which have arisen from the multiple minimum charges on this system, and in view of the fact that with a single minimum charge under metered service a utility receives full payment for all water delivered, it appears advisable at this time to eliminate the present multiple minimum charges and to make proper provision in the rate schedule to provide the necessary additional revenue. It should of course be understood that in cases affected by this change some one of the consumers or the owner of the premises must assume the responsibility for full payment of the entire bill. Certain other cases may require the installation by the company of separate service pipes. Some misunderstandings may possibly develop at the outset in thus altering an established practice but with the exercise of reasonable judgment the change should not be difficult. By reason of its fairness and equitable character with respect to both consumer and utility, the elimination of the multiple minimum charges should be most welcome and will without doubt not only improve public relations but will at the same time remove the cause of most of the controversies which in the past have arisen between this utility and many of its consumers.

ORDER.

Bell Water Company, a corporation, having made application for authority to increase its rates for water delivered to consumers in and in the vicinity of Bell, Los Angeles County, public hearings having having been held thereon, the matter having been submitted, and the Commission being now fully informed in the matter:

It is hereby found as a fact that the rates now charged by Bell Water Company, a corporation, for water delivered to consumers in and in the vicinity of Bell, Los Angeles County, are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates for such service.

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Basing the order upon the foregoing findings of fact and the statements of fact contained in the preceding opinion;

It is hereby ordered, that Bell Water Company, a corporation, be and it is hereby directed to file with this Commission within twenty (20) days from the date of this order the following schedule of rates for all water delivered to consumers in and in the vicinity of Bell, Los Angeles County, on and after the first day of April, 1926:

Monthly Meter Rates.

From 0 to 500 cubic feet, per 100 cubic feet	$0 25
From 500 to 2000 cubic feet, per 100 cubic feet	17
From 2000 to 5000 cubic feet, per 100 cubic feet	12
For all water used over 5000 cubic feet, per 100 cubic feet	10

Monthly Minimum Charges.

⅝- x ¾-inch meter	$1 25
¾-inch meter	1 50
1 -inch meter	2 00
1½-inch meter	4 00
2 -inch meter	6 00
3 -inch meter	12 00
4 -inch meter	18 00
6 -inch meter	35 00

Each of the foregoing monthly minimum charges will entitle the consumer to the quantity of water that the minimum monthly charge will purchase at the "monthly meter rates."

Flat Rate Irrigation Use Per Hour.

Full flow of pump No. 2, one hour or less	$3 50
All in excess of one hour, per hour or fraction thereof	3 50

Fire Hydrant Rentals.

Per hydrant per month	$1 50

The above rates apply to water used for domestic, commercial and irrigation purposes.

It is hereby further ordered, that Bell Water Company, a corporation, be and it is hereby directed to file with the Railroad Commission within ten (10) days from the date of this order the following rule, which shall be substituted for and in place of the present Rule No. 12-C and shall become effective on and after April 1, 1926:

RULE No. 12-C. Where two or more consumers located upon the same premises or in the same building, are supplied by means of one and the same metered service connection, but one minimum monthly payment shall apply. Where proper responsibility for payment of water bills can not be determined, separate metered service connections may be installed by the utility or shall be installed on demand of any consumer so served, in which case the regular monthly minimum charges shall apply to each service connection.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this nineteenth day of March, 1926.

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DECISION NO. 16256.

IN THE MATTER OF THE APPLICATION OF MADERA-YOSEMITE-BIG TREES AUTO COMPANY TO SELL, AND YOSEMITE PARK AND CURRY COMPANY, A CORPORATION, TO PURCHASE, AUTOMOBILE PASSENGER AND FREIGHT LINES OPERATING BETWEEN MERCED AND THE BOUNDARY OF YOSEMITE NATIONAL PARK, VIA MORMON BAR, WAWONA DIRECT, AND VIA MIAMI LODGE AND MARIPOSA BIG TREES, AND THE APPLICATION BY YOSEMITE PARK AND CURRY COMPANY TO ISSUE ITS PROMISSORY NOTE IN THE SUM OF ONE HUNDERD TWENTY-FIVE THOUSAND DOLLARS AND TO SECURE THE SAME BY CHATTEL MORTGAGE.

Application No. 12604.

Decided March 19, 1926.

TRANSFER—AUTO STAGES—NOTES—TO ISSUE.—Madera-Yosemite-Big Trees Auto Company authorized to transfer to Yosemite Park and Curry Company operative rights and equipment. The latter company authorized to issue its promissory note for $125,000, payable on or before five years, with interest at the rate of six per cent, in payment therefor.

Wilson and Wilson and *Charles H. Lovell* and *Brobeck, Phleger and Harrison*, for Applicants.

BY THE COMMISSION.

OPINION AND ORDER.

In this application, as amended, the Railroad Commission is asked to make an order authorizing Madera-Yosemite-Big Trees Auto Company to transfer certain operative rights and equipment to Yosemite Park and Curry Co., and authorizing Yosemite Park and Curry Co. to execute a chattel mortgage and to issue, in part payment, its promissory note for $125,000 payable on or before five years after date with interest at the rate of 6 per cent per annum.

Yosemite Park and Curry Co., by Decision No. 15986, dated February 11, 1926, was authorized to acquire from Yosemite National Park Company certain automobile stage lines operated between Mariposa and Briceburg and between El Portal, Yosemite, Glacier Point, Mariposa Grove of Big Trees, Mather, Hetch Hetchy, Tahoe and between Fresno and Wawona. It now desires to acquire the business and properties of Madera-Yosemite-Big Trees Auto Company, including the operative right granted that company by Decision No. 11763, dated March 6, 1923, and permitting the operation of an automobile stage line between May first and November fifteenth of each year, as a common carrier of passengers, baggage and express between Merced and the boundary of Yosemite National Park via Mormon Bar, Wawona direct or via Miami Lodge and the Mariposa Big Trees, no service, however, being allowed between Merced and the point on the highway known as Mormon Bar or between Merced and Mariposa Big Trees. The other properties, it

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appears, consist of nineteen Pierce-Arrow eight-passenger stages, one Pierce-Arrow service and tow car, one Chrysler roadster, together with machinery and shop equipment, materials and supplies on hand and office furniture and fixtures.

The consideration to be paid for the properties and business is $250,000 plus an amount to be paid for prepaid expenses, of which $125,000 plus prepaid expenses, is payable in cash and $125,000 is evidenced by a promissory note payable in annual installments of $25,000 on the first day of August of each of the years 1927 to 1931, inclusive, with interest at the rate of 6 per cent, secured by chattel mortgage on the property acquired from Madera-Yosemite-Big Trees Auto Company. The proposed mortgage, a copy of which appears as Exhibit "A" to the supplemental application filed on March 15, 1926, is in satisfactory form.

The Commission has given consideration to this application and is of the opinion that it is a matter in which a public hearing is not necessary and that it should be granted as herein provided; therefore,

It is hereby ordered, that Madera-Yosemite-Big Trees Auto Company be and it is hereby authorized to transfer to Yosemite Park and Curry Co. certain properties referred to herein and the operative rights heretofore granted Madera-Yosemite-Big Trees Auto Company by Decision No. 11763, dated March 6, 1923, permitting the operation of an automobile stage line, between May first and November fifteenth of each year, as a common carrier of passengers, baggage and express between Merced and the boundary of Yosemite National Park via Mormon Bar, Wawona direct or via Miami Lodge and Mariposa Big Trees, no service, however, to be given locally between Merced and the point on the highway known as Mormon Bar or between Merced and Mariposa.

It is hereby further ordered, that Yosemite Park and Curry Co. be and it is hereby authorized to execute a chattel mortgage substantially in the same form as that attached to the supplemental application in this proceeding as Exhibit "A" and to issue, in part payment for the rights and properties of Madera-Yosemite-Big Trees Auto Company, its promissory note for $125,000, payable at the rate of $25,000 on the first day of August of each of the years 1927 to 1931, inclusive, with interest at the rate of 6 per cent.

It is hereby further ordered, that the authority herein granted is subject to the following conditions:

(1) No authority is hereby granted for the consolidation by Yosemite Park and Curry Co. of the operative rights to be acquired from Madera-Yosemite-Big Trees Auto Company with those it now owns.

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(2) In accordance with the provisions of General Order No. 51, and other regulations of the Commission, Madera-Yosemite-Big Trees Auto Company shall cancel immediately all time schedules, rates, tariffs and classifications heretofore filed by it with the Railroad Commission and Yosemite Park and Curry Co. shall file new time schedules, tariffs, rates and classifications identical with those heretofore filed by Madera-Yosemite-Big Trees Auto Company.

(3) Yosemite Park and Curry Co. shall not transfer, assign, lease, sell, hypothecate or discontinue the rights and privileges it is herein authorized to acquire unless it first obtains the written consent of the Railroad Commission, nor may it operate any vehicles under the operative rights acquired by it unless such vehicles are owned by it or are leased on a basis satisfactory to the Commission.

(4) The authority herein granted to execute a chattel mortgage is for the purpose of this proceeding only and is given only in so far as this Commission may have jurisdiction under the Auto Stage and Truck Transportation Act and is not intended as an approval of such chattel mortgage as to such other legal requirements to which said mortgage may be subject.

(5) The consideration to be paid for the properties and business of Madera-Yosemite-Big Trees Auto Company shall not hereafter be urged before this Commission or other court or public body having jurisdiction as a measure of value of such properties and business.

(6) Yosemite Park and Curry Co. shall keep such record of the issue and delivery of the note herein authorized as will enable it to file, within thirty (30) days after such issue, a verified report, as required by the Railroad Commissison's General Order No. 24, which order, in so far as applicable, is made a part of this order.

(7) The authority herein granted will become effective when Yosemite Park and Curry Co. has paid the fee prescribed by section 6 of the Auto Stage and Truck Transportation Act and section 57 of the Public Utilities Act, which fee is $125.

Dated at San Francisco, California, this nineteenth day of March, 1926.

DECISION No. 16258.

IN THE MATTER OF THE APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF SHARES OF STOCK WITH A PAR VALUE OF TWENTY-FIVE DOLLARS UPON THE RECLASSIFICATION OF ITS CAPITAL STOCK AND THE DIVISION OF ITS CAPITAL STOCK INTO SHARES OF THE PAR VALUE OF TWENTY-FIVE DOLLARS EACH.

Application No. 12611.

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Decided March 19, 1926.

SECURITIES—STOCK—TO RECLASSIFY.—Southern California Edison Company authorized to reclassify its capital stock, both common and preferred, to reduce the par value thereof from $100 a share to $25 a share, and to issue four shares of $25 per value a share, for every share outstanding at $100 a share.

Roy V. Reppy and *Gail C. Larkin*, for Applicant.

BY THE COMMISSION.

OPINION.

Southern California Edison Company asks the Railroad Commission to make an order authorizing the company to issue and deliver certificates representing the ownership of shares of stock with a par value of $25 each to the holders of shares of stock of the company, upon the basis of four shares of stock of the par value of $25 each of the class of stock held for each share of the par value of $100, and further authorizing the company under the orders of the Commission now in effect to issue shares of stock of the various classes of the par value of $25 each and with an aggregate par value the same as that heretofore authorized in lieu of shares of stock of the par value of $100 each, said order to be conditioned upon the proposed amendment to applicant's articles of incorporation becoming effective.

Southern California Edison Company has an authorized stock issue of $250,000,000 divided into 2,500,000 shares of the par value of $100 each.

The company's authorized stock consists of the following:

Original preferred	$4,000,000 00
Preferred, Series "A," 7 per cent	60,000,000 00
Preferred, Series "B," 6 per cent	40,000,000 00
Preferred, Series "C," 5 per cent	21,000,000 00
Common	125,000,000 00
Total	$250,000,000 00

Applicant in its Exhibit "F" reports capital stock outstanding or subscribed for, as of February 28, 1926, as follows:

Original preferred		$4,000,000 00
Preferred, Series "A"		
Outstanding	$25,090,400 00	
Subscribed	674,600 00	
		25,765,000 00
Preferred, Series "B"		
Outstanding	$23,505,200 00	
Subscribed—Public	2,431,500 00	
Employees	809,500 00	
		26,746,200 00
Common		
Outstanding	$54,264,300 00	
Less: Controlled through stock ownership	10,836,628 00	
	$43,427,672 00	
Subscribed—Public	2,700 00	
Employees	4,239,300 00	
		47,669,672 00
Total		$104,180,872 00

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It is of record that applicant's board of directors by a majority vote at a meeting held on January 15, 1926, voted to amend applicant's articles of incorporation and to submit the proposed amendment to the vote of the company's stockholders at the regular annual meeting to be held on March 19, 1926. By the proposed amendment the par value of each share of stock of the company will be reduced from $100 to $25 and the number of shares of stock increased from 2,500,000 to 10,000,000. There will also be a reclassification of the preferred stock and provision made for a new series of 5½ per cent preferred stock. Under the proposed amendment the total authorized capital stock of the company will be $250,000,000 par value, the same as authorized by the company's present articles of incorporation, but said $250,000,000 of authorized stock will be divided as follows:

Original preferred	$4,000,000 00
Preferred, Series "A," 7 per cent	30,000,000 00
Preferred, Series "B," 6 per cent	50,000,000 00
Preferred, Series "C," 5½ per cent	20,000,000 00
Preferred, Series "D," 5 per cent	21,000,000 00
Common	125,000,000 00
Total	$250,000,000 00

The company reports, that of the stock which the Commission has heretofore authorized to be issued and sold, there remained unsold on February 28, 1926, 32,538 shares of preferred Series "B" 6 per cent stock; 3040 shares of preferred Series "A" 7 per cent stock, and 12,397 shares of common stock. The company asks that the Commission's orders authorizing the issue and sale of the common 7 per cent and 6 per cent stock be continued in effect and that the company be permitted to issue stock of the par value of $25 per share equal in par value to the par value of the stock authorized to be issued under the several orders of the Commission.

The company asks further that the orders of the Commission in Applications numbers 2743, 4790, 5312, 6426, 7373, 7840, 8032, 9131, 9802, 9942, 10611, 11024, 11030 and 11802 be modified so that the minimum selling price of stock having a par value of $25 per share be equal to one-fourth of the minimum selling price of stock with a par value of $100 per share and that the amounts allowed for commissions and expenses to cover the sale of the stock be one-fourth of the amount allowed by the orders in said applications.

Representatives of applicant believe that a reclassification of applicant's stock, as herein proposed, will enable it to sell more stock than it could if the par value of its stock were to remain at $100 per share, and will also enable applicant to obtain a higher price for its stock.

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ORDER.

Southern California Edison Company having applied to the Railroad Commission for permission to issue stock of the par value of $25 per share in exchange for stock of a par value of $100 per share upon the basis of four shares of stock of the par value of $25 per share for each share of stock of the par value of $100, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required by applicant and that this application should be granted as herein provided; therefore,

It is hereby ordered, as follows:

(1) Southern California Edison Company may issue $4,000,000 par value of original preferred stock divided into 160,000 shares of the par value of $25 each in exchange for its original preferred stock now outstanding, said exchange to be effected upon the basis of four shares of said stock of the par value of $25 each for each share of stock of the par value of $100 now outstanding.

(2) Southern California Edison Company may issue $26,000,000 par value of preferred Series "A"' 7 per cent stock divided into 1,040,000 shares of the par value of $25 each in exchange for preferred Series "A" 7 per cent stock outstanding on the effective date of this order, or in substitution of preferred Series "A" 7 per cent stock of the par value of $100 per share, the issue and sale of which the Commission has heretofore authorized; said exchange or substitution to be effected upon the basis of four shares of stock of the par value of $25 each for each share of stock of the par value of $100.

(3) Southern California Edison Company may issue $30,000,000 par value of preferred Series "B" 6 per cent stock divided into 1,200,000 shares of the par value of $25 per share in exchange for preferred Series "B" 6 per cent stock outstanding on the effective date of this order, or in substitution of preferred Series "B" 6 per cent stock of the par value of $100 per share, the issue and sale of which the Commission has heretofore authorized; said exchange or substitution to be effected upon the basis of four shares of stock of the par value of $25 each for each share of stock of the par value of $100.

(4) Southern California Edison Company may issue $59,746,000 par value of common stock divided into 2,389,840 shares of the par value of $25 each in exchange for common stock outstanding on the

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effective date of this order, or in substitution of common stock of the par value of $100 per share, the issue and sale of which the Commission has heretofore authorized; said exchange or substitution to be effected upon the basis of four shares of stock of the par value of $25 each for each share of stock of the par value of $100.

(5) The Commission's orders in Applications numbers 2743, 4790, 5312, 6426, 7373, 7840, 8032, 9131, 9802, 9942, 10611, 11024, 11030 and 11802 are hereby modified so as to permit the Southern California Edison Company to issue and sell the stock therein authorized but not yet sold on the effective date of this order at a price which shall not be less than one-fourth of the minimum selling price specified in said orders, and to expend of the proceeds obtained from the sale of said stock for the purpose of paying commissions and expenses incident to the sale of the stock an amount equal to not more than one-fourth of the amount allowed by said orders for said purposes.

(6) The authority herein granted will become effective when applicant has filed with the Railroad Commission a certified copy of its amended articles of incorporation referred to in this application and providing for the issue of stock of the par value of $25 per share.

(7) Southern California Edison Company shall file with the Railroad Commission quarterly reports showing the amount and classes of stock issued, under the authority herein granted, in exchange for outstanding stock, the amount and classes of stock returned to the company for exchange, and the expenses incurred to effect said exchange of stock; the first of said reports to be filed on or before August 1, 1926, and cover the period from the effective date of this order to and including June 30, 1926, and subsequent reports to be filed within thirty days after the end of the quarter covered by the report.

(8) The orders of the Commission in Applications numbers 2743, 4790, 5312, 6426, 7373, 7840, 8032, 9131, 8802, 9942, 10611, 11024, 11030, and 11802 shall remain in full force and effect except as modified by this order.

Dated at San Francisco, California, this nineteenth day of March, 1926.

DECISION No. 16261.

IN THE MATTER OF THE APPLICATION OF LOS GATOS TELEPHONE COMPANY, A CORPORATION, FOR AUTHORITY TO PUT IN EFFECT CERTAIN RATES AND CHARGES.

Application No. 12625.

Decided March 19, 1926.

RATES—TELEPHONE UTILITY—MOVES AND CHANGES—LOCAL CALLS.—Los Gatos Telephone Company authorized to establish uniform charges for moves and

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changes of equipment and to establish toll charge of five cents a call from public pay stations.

BY THE COMMISSION.

ORDER.

Whereas, Los Gatos Telephone Company having filed an application with this Commission requesting authority to file and place in effect certain rules and regulations relative to charges for moves and changes of telephone apparatus and to establish a charge of five cents (5¢) for each local message made from public telephone stations throughout the territory served by it; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations; and

Whereas, the rendering of public pay station service will be in the interest of the subscribers of the Los Gatos Telephone Company and to the public, and it appearing that applicant's request is reasonable and that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Los Gatos Telephone Company be and it is hereby authorized to file with this Commission, effective as of April 1, 1926, the following rules and regulations:

1. *Moves and Changes.*

Private Branch Exchange and Intercommunicating Systems.

1. Moving from one location to another:

	Same room	One room to another
(a) Intercommunicating systems, per station	$5 00	$7 50
(b) P.B.X. Stations	1 00	1 50
(c) P.B.X. Switchboards, per position		
30-line	5 00	10 00
80-line	7 50	15 00
160-line	10 00	25 00
Over 160-line	Actual Cost	

2. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478 except as modified in section 1 above, and as may be approved by this Commission.

It is hereby further ordered, that Los Gatos Telephone Company be and it is hereby authorized to charge and collect the sum of five cents (5¢) for each local message made from established public telephone stations on and after April 1, 1926.

Provided said rules and regulations and rate be filed with this Commission on or before March 31, 1926.

Dated at San Francisco, California, this nineteenth day of March, 1926.

DECISION NO. 16289.

IN THE MATTER OF THE INVESTIGATION UPON THE COMMISSION'S OWN MOTION INTO THE RATES, CHARGES, CLASSIFICATIONS, CONTRACTS, PRACTICES, RULES, REGULATIONS, SCHEDULES,

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AND CONDITIONS OF SERVICE OF THE SUTTER-BUTTE CANAL COMPANY, A PUBLIC UTILITY.

Case No. 2126.

Decided March 20, 1926.

RATES—WATER UTILITY—IRRIGATION—RICE.—Rates for gravity flow water for rice irrigation reduced in Butte county area from $8.95 to $8.50 per acre per year of irrigation; rates for pumped water for rice irrigation reduced from $10.45 to $9.80 per acre per year. Other rates in this area remain unchanged.

PREPAYMENT DISCOUNTS.—Established for prepayment of service charges, providing for a discount of 15 cents per acre for prepayment of second year service charge, and discount of 25 cents per acre for prepayment of third year service charge.

EFFECTIVE DATE.—All new rates ordered effective for 1926 service year, adjustment to be made on bills for service due and payable under rates on or before July 1, 1926.

CONTINUOUS CONTRACTS.—Charges under continuous contracts eliminated, as such, except where consumers elect to operate under such contracts.

THREE-YEAR CONTRACTS.—Present form of rate providing for three-year contracts continued in effect.

TERRITORY DIVIDED.—All territory south of the north line extended of sections 34, 35, 36, T. 16 N., R. 2 E., M. D. B. and M., is considered as served by Sutter County extension.

SUTTER COUNTY EXTENSION.—Rates for rice irrigation south of this line continued as at present. Rates for irrigation for fruit, vines, etc., increased 20 cents per acre.

RATE BASE.—A rate base of $1,760,000 is found reasonable, and the rates are designed to produce a fair return upon this investment.

Isaac Frohman, W. C. Carlin, Henry Ingram and *Devlin and Brookman*, by *Douglas Brookman*, for Sutter-Butte Canal Company.

A. B. Eddy, M. W. Armfield and *J. D. Galloway*, for Sutter-Butte Water Users' Association.

J. J. Deuel and *L. S. Wing*, for California Farm Bureau Federation.

George F. Jones and *Harry L. Huston*, for Butte County Water Users' Association.

DECOTO, SEAVEY AND WHITSELL, *Commissioners.*

OPINION.

This proceeding was instituted on the Commission's own motion for the purpose of making a complete and new investigation of the rates, charges, classifications, contracts, rules, regulations and service of the Sutter-Butte Canal Company, in view of the development of considerable protest and dissatisfaction following the fixing of rates on the Sutter-Butte Canal Company system by this Commission in Decision No. 14422, dated December 31, 1924.

Public hearings in this proceeding were held in Gridley on May 25 and on November 16, 17, 18 and 19, 1925. The matter was submitted, subject to the filing of briefs and supplemental auditor's report on behalf of Sutter-Butte Water Users' Association. Briefs were filed by Sutter-Butte Water Users' Association and by California Farm Bureau Federation. No brief was filed by the Sutter-Butte Canal Company or any other party to this proceeding except those above mentioned.

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This proceeding involves a complete reconsideration of the entire matter of rules, rates and service of the Sutter-Butte Canal Company. Records in previous proceedings have been stipulated into this proceeding only as to specifically designated portions. Certain reports previously before the Commission were introduced herein and are before us. A large amount of evidence was presented by the engineering department of the Commission, by the Sutter-Butte Canal Company, the Farm Bureau Federation and the Sutter-Butte Water Users' Association, and a total of forty-three (43) exhibits was introduced and testimony covering seven hundred and forty-eight (748) pages of transcript was taken. It would appear from a consideration of the testimony and exhibits that the record is very complete and definite and all parties were given a full opportunity to be heard.

Preliminary to the general investigation and the presentation of evidence, an informal conference was held at Gridley July 9 and 10, 1925, by the Commission's engineers, representatives of the Sutter-Butte Water Users' Association and the California Farm Bureau Federation with the consumers of the Sutter-Butte Canal Company. This was held to give all who desired an opportunity to submit individually and informally their criticisms, complaints and suggestions regarding service conditions, rates, operating methods and practices of the company. A report summarizing the information obtained was introduced as an exhibit in the hearing and is before the Commission. Eighty-five (85) individuals were interviewed at this conference and more than 12,000 acres of land, generally distributed over the system of the company, were represented, 8000 acres of which represent land having attached thereto the so-called continuous water right contracts. A study of the report on the preliminary conference and the other evidence presented in this proceeding indicates certain sources of complaint and dissatisfaction which should be given special consideration.

Water right contracts.

A large number of consumers holding what have heretofore been referred to as continuous water right contracts appeared at the preliminary conference and objected to the continuation of these contracts. The Farm Bureau Federation and the Sutter-Butte Water Users' Association contend that the present condition results in discrimination against these contract holders and that the contract should be abrogated or at least made inoperative as regards any obligation on the part of the consumers to pay for service to land which is not irrigated. The contracts have been the subject of long-standing controversy on this company's system, involving certain groups of consumers, and have been

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made important issues for adjustment by this Commission in regard to alleged discriminations. The circumstances of their origin were connected with the early development and construction of this system prior to the date on which this Commission first assumed jurisdiction of the company's operations. At the present time, there are approximately 34,000 acres of land covered by such contracts as against a total of approximately 81,000 acres which have at some time in the past been irrigated by the system. These contracts are appertinent to the land, and provide among other things, that the rates for service and the charges under them if not paid become a lien on the land. In addition an initial payment for "water rights" was paid by contract holders varying in amount from $4 to approximately $10 per acre. The water rates set forth in these contracts have been changed from time to time by this Commission in connection with rate proceedings involving the company. Originally, this Commission established a differential in the rates between contract and noncontract holders. This was discontinued in accordance with the order in the last Decision No. 14422, dated December 31, 1924, and the rates therein established which are now in effect are the same for service under the continuous contract and the short term contract provided in that decision. The present rate provides for a service charge of $1.25 per acre, under the short term contract basis, which is applicable for two years after active irrigation ceases. The company has in addition applied this charge to the acregae of continuous contract lands not irrigated. The continuous contract holder finds himself, therefore, in a position of being obligated to pay this charge indefinitely whether he irrigates or not and with no apparent means of escape or cancellation, while the noncontinuous contract holder can be freed of the obligation in two additional years after service has been taken.

Without reviewing the entire contract situation, it seems sufficient to state that we are convinced from the evidence that a discrimination exists at the present time. The enforcement of this continuous contract obligation is not only detrimental to the consumers as a whole and to the district but also to the company as an operating utility as well. No district can progressively advance when continuously in turmoil over existing or believed inequities and discriminations. This chaotic condition should be eliminated. We are convinced that either all the land should be under continuous contracts, which would be somewhat similar to an irrigation district situation, or all land should be treated uniformly under noncontinuous contracts. Operating as a public utility, it appears impracticable or impossible to make effective the former. The company as a public utility will be required however to eliminate the discrimination and treat all consumers alike as to the obligation for service. In general a return to the prior form

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of rate schedule which provided for a differential in rates between contract and noncontract lands is not favored and does not solve the problem. As a matter of fact it appears clear to this Commission that the elapsed time and advantages flowing from previous decisions of this Commission have eliminated any reasons for the reinstating of such a differential.

The question of this Commission's jurisdiction to abrogate these contracts has been raised. From the consumers' standpoint, it seems that little remains of these contracts except the alleged obligation in perpetuity to pay charges upon all of the land covered. From the company's standpoint, as an operating utility, we see no apparent value in demanding the perpetuation of the contracts and, in fact, it would appear that the unrest in the district resulting from their continuation is a real detriment to the company. The estimated additional receipts from the enforcement of these contracts on nonirrigated lands is relatively small, one estimate being that the total would be approximately $5,000 per annum under the present form of rate with the service charge fully in effect. We believe in this proceeding that rates should be based upon a uniform contract, applicable to all consumers, and that any reduction in revenue which might occur from the waiving of charges under the continuous contracts be absorbed in such schedules.

It is the contention of all of the consumers' associations that such a procedure would be to the advantage of the company and the public. Rates fixed herein will, therefore, be on the basis that all service be charged for under a uniform schedule of rates and under application forms which will exclude any consideration of the continuous contract and preclude the making of charges for unirrigated land under said contracts, as such.

Private laterals.

A second cause of dissatisfaction arises in connection with the service of a large part of the land through privately owned laterals maintained by the landowners individually or as mutual concerns. The company's rates are based on acreage irrigated (being largely flat rates) and no differential exists between rates for water delivered direct to consumers from its canals and for water delivered through privately-owned laterals. It is the opinion of consumers served from privately-owned laterals that they are being discriminated against. The main complaints received were from landowners on three of the more extensive laterals serving mainly fruit growing areas where the unit holdings are relatively small. These laterals are known as Gridley Colony No. 1 Ditch Company, Manzanita Lateral and Biggs Ditch Company. The

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cost of maintaining these canals varies between $1 and $1.50 per acre irrigated. The cause of complaint is both as to alleged discrimination in rates and generally poorer service, and, it is suggested by the Farm Bureau Federation and the Sutter-Butte Water Users' Association that the laterals to a greater extent than at present be taken over by the Sutter-Butte Canal Company, the owners to be compensated and the extra cost be included in rates. Both appreciate the difficulties of the problem and that this solution is at present probably impossible. As an alternative the Farm Bureau and certain consumers suggest that a differential in rates be charged. The Sutter-Butte Canal Company offers to take over the more important laterals provided they are deeded free to it.

On the Sutter County Extension the company extended its canals to make delivery to each 160 acres. The landowners, however, advanced much of the cost of the system. In Butte County and northern Sutter County there exist approximately 200 miles of privately owned laterals as compared with less than that mileage of company canals in the same district. This is partly due to the existence of many small holdings and also to a policy of not extending as extensively into rice area as in Sutter County. The company has, however, taken over a few private laterals in Butte County and is maintaining them. There is no question but that better service to the landowners on private laterals would result if these laterals were taken over and maintained by the water company. Difficulties between those interested continually arise in the operation and maintenance of private laterals and poor service results.

The supplying of water for irrigation by public utility canal companies almost uniformly has been difficult. Many of these utilities have failed financially. They have failed to benefit by enhancement of the value of property served, and have no means of assessing charges against any land, except that irrigated; they have often been forced to failure, although the territory served has more or less prospered.

The problem in this case is especially complicated, as the landowners urge that they not be obligated to pay any charges except for water actually used. It is also strongly urged that the present rates are in excess of the value of the service and that they must be reduced. It would appear that to take over all of the laterals, even at no out-of-pocket capital cost, would materially increase the operating expenses of the company and necessitate a further increase in the total charges to the public, which might run as high as $1 to $1.25 per acre per annum for the smaller holdings. Unless the company can have a guarantee from each landowner affected of an annual payment in perpetuity for the maintenance of the canals and interest upon investment directly to serve the land, whether water is used or not, it does

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not appear that the company should be required to invest additional funds or to obligate itself to maintain service on the extended system. The full solution of the lateral problem can only be adequately taken care of through the formation of an irrigation district through which the persons requiring the maintenance of canals also take over the obligation of definitely carrying the cost. We do not believe that the company, at this time, should be required to take over the private laterals, except where mutual agreement between the company and the landowners affected can be worked out.

Sutter County extension.

The effect of the construction of the Sutter County extension by the company on the rates of the Sutter-Butte Canal Company has been the subject of much controversy. It has been the belief of many of the landowners in Butte County that this extension was entirely unjustified and that it has resulted in an extra and unreasonable burden on the water users in that county. Much testimony was introduced relative to this matter. It appears that in 1918 certain landowners of Sutter County negotiated with this company for a supply of water. In 1919, an agreement was entered into for the service of 14,400 acres by the construction of distribution laterals and the utilization of the Live Oak slough for the conveying of water to this general territory. The cost of the construction was to be paid in full by the landowners and later to be refunded on the basis of one-seventh of the annual revenue received. In 1920, it was found necessary to extend the main canal to this district and discontinue the use of the Live Oak slough. A new contract was entered into whereby the landowners were required to advance $20 per acre, while the company agreed to complete the construction and install a pumping plant on Feather River. The total cost of the project was approximately $835,000 and the company's investment slightly over $526,000. This work was done at the peak of prices and, in addition, was rushed so that without question the cost exceeded a reasonable cost under present conditions and some additional cost over normal construction occurred at the time of the development. In past decisions, the amount of the rate base for this extension has been the amount invested by the company. During the general period of high prices, over $400,000 was expended by the company in additions on other parts of the system for the improvement of the service and to serve additional acreage. The Sutter County extension stands out alone as a large single expenditure and was opposed during its construction by Butte County water users. Without question, any excess cost due to unreasonable expense or rush work should be excluded in a permanent rate base. A portion of the advances by landowners must be considered as covering this cost, as it was for their benefit the work

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was rushed. A utility must make normal extensions in periods of high as well as low prices and to the extent that this is required it can not be reasonably urged by consumers first served during periods of low prices that their rates should not be affected by the increased costs resulting from the fulfillment of this obligation.

It was urged that a check of the inventory and appraisal of Sutter County extension be made. Check of the inventory was made by a joint committee of engineers which showed the company's inventory reasonable. No complete check of reasonableness of the cost was made, but the consumers' representatives did not insist on the necessity after the inventory check was completed. It is urged that a much larger investment per acre has been made on the Sutter County extension than in Butte area with the result that a greater burden has been placed on Butte County users under uniform rates than would have occurred if the extension had not been made. Without question the investment is higher per acre on the Sutter County extension, however, on a basis of equal price levels the discrepancy is reduced though not completely wiped out. This appears partly due to the more extensive system installed on the extension than in other rice areas.

A study of Exhibit No. 109 of the Butte County Water Users' Association indicates quite clearly that as to rice area, the company's laterals extend much further in the Sutter area than in the Butte area and to this extent a greater service has been and is being rendered in the one case than in the other. It appears that in the Sutter area the company's laterals extend to each 160 acres while in the Butte area much of the rice acreage has no company laterals within two or more miles of the land, and the land is served mainly through privately owned extensions maintained by the landowners. In addition, the Sutter extension required much longer main canal for the service, and also the installation of a pumping plant.

The Farm Bureau has urged that the amount to be included in the rate base should be determined as the capitalized estimated net return from this extension under proposed rates. This basis is not sound. This is attempting to determine value on basis of arbitrary fixing of rates. Possibly a lesser rate of return should be assumed on this investment than on the pre-war investment but we find no justification for reducing the previous amount allowed. We are convinced, however, that justice to all requires a greater proportion of the total charges per acre be assessed on the Sutter extension area than the Butte area, mainly to cover the greater service rendered.

Rate base.

The Commission, in fixing the rates now in effect, used as a rate base its findings in Decision No. 5227, dated March 25, 1918 (15 C. R. C.

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425), plus additions and betterments since the date of the appraisal therein, less the advances by landowners in connection with the Sutter County extension. An exhibit on this basis was presented in this proceeding by Mr. H. A. Noble, an assistant engineer of the Commission. The rate base for October 1, 1925, following the former decision was estimated at $1,785,610. Two estimates were presented by the Sutter-Butte Canal Company in this proceeding, one by Norton Ware, local manager, and one by J. T. Ryan, consulting engineer. The estimate of $2,085,468 presented by Mr. Ware was on the basis of the historical investment and closely approximates the amount as set forth above if the advances by landowners on the Sutter County extension are deducted. An estimate of reproduction cost new totaling $2,676,118 was presented through Mr. Ryan. This was based upon the appraisal by Mr. Ware, applying price ratios with a view to determining the probable reproduction cost new under 1924 price conditions. This appraisal was of a very general nature and the evidence indicates a failure on the part of Mr. Ryan to take into consideration changes in the art of construction and the use by him of other general assumptions which would tend to give a figure in excess of reasonable.

No estimate of rate base was presented at the hearing by either the Farm Bureau Federation or the Sutter-Butte Water Users' Association. The main engineering exhibit presented by the Water Users' Association through Mr. J. D. Galloway, consulting engineer, sets forth discussion of the question of rate base, expenses, etc., but the main set-up is on the basis of an estimated future completed development. Mr. Galloway, in his report, makes an estimate of capital, revenue, and expenses, based upon a complete development of the territory with a total acreage irrigated almost twice that which reasonably may be expected to be placed under irrigation in the near future. It is suggested in the report and in the brief of the Water Users' Association that rates should be based largely on the completed development. The report is interesting and of value in indicating the ultimate trend of rates but is, of necessity, very approximate and, even though it might prove ultimately correct it is an estimate of conditions not of the present but of the distant future. It is of benefit in indicating that the tendency of rates with relation to a given standard cost should not continue to be upward. We do not find it of sufficient exactness to be used as a definite measure of rates to be fixed at this time.

The Farm Bureau urges that a deduction from the rate base be made of $250,000 to cover donations in connection with the continuous water right contracts. The Water Users' Association also urges a deduction to cover these donations which its auditor reports at approximately $375,000. It appears that the contracts provided for the advance of moneys, or their equivalent, for "water rights." Much of the money

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was advanced by real estate firms subdividing the lands to predecessors of the Sutter-Butte Canal Company. In certain instances, at least, these predecessors failed financially. In view of these facts, that these payments were made mainly to predecessor companies during the early period of the development of the system and the territory, they can not be considered as deductible from the rate base in this proceeding. Were a determination of water rights value or development cost before the Commission, these advances might be of importance.

Another deduction of $27,697 is urged to cover advances made in aid of construction. This amount represents money advanced by landowners in connection with recent extensions. Pending the refund of these moneys on which no interest is paid they should be excluded or the lack of interest payment should be given weight in determining the rate of return. The $27,697 will be deducted. There appears little additional capital needed in the near future and the rate base may be estimated at $1,760,000.

Depreciation.

Three estimates of depreciation annuity were included. Mr. Noble's estimate based upon former allowances totalled $19,709. Deductions were made from this amount by Mr. Wing, of the Farm Bureau, to cover allowance for property donated by consumers. Mr. Galloway has urged that a reduction should be made on account of a portion of the property being nondepreciable.

This contention that a large portion of the property is nondepreciable does not justify excluding allowance for this class of property, as it appears that part of such property, mainly canals, have been and may in the future be abandoned from time to time. To the extent that these properties are covered by advances from consumers no depreciation allowance will be necessary to cover abandonments unpaid for by the company. Sound regulation must take account of reasonable allowances for depreciation. Too small allowances will only result to the detriment of the consumers. An allowance of $19,000 would appear reasonable.

Probable acreage irrigated.

Much evidence was introduced relative to probable acreage of crops. The acreage for the past five years appears as follows:

Table 1.

Area Irrigated from Sutter-Butte Canal System.

	Rice	Other Crops	Total
1921	28,750	17,957	46,707
1922	28,127	14,559	42,686
1923	20,738	11,044	31,782
1924	15,051	18,449	33,500
1925	16,696	19,097	35,793

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During the first two years of this period approximately 14,000 acres of new rice land under three-year contract was irrigated under the Sutter County extension thus resulting in a relatively large acreage in spite of a very low price for rice. During the entire period, with this one exception, the tendency was for a smaller acreage of rice to be irrigated. For the year 1926 a fairly large acreage of rice may be expected on account of the probability of a relatively high price for rice. Stability of rates is of importance and the amount of acreage should be estimated as near normal as possible.

Three estimates of probable average acreage of rice and other crops to be expected during the coming years are as follows:

Table 2.

Estimated Acreage of Crops Irrigated from Sutter-Butte Canal System.

	E. A. Julian Company	H. A. Noble Commission (corrected)	L. S. Wing Farm Bureau
Rice	18,900	20,700	24,400
Other crops—fruit, alfalfa, pasture	18,500	18,500	20,000
Acreage on which present service charge would be applicable	60,000	64,000	71,000

Testimony of witness for the Water Users' Association and the Farm Bureau indicates the company's estimate to be low, Mr. Noble's estimate would appear also low. On the other hand, the estimate submitted by Mr. Wing is somewhat optimistic as to rice irrigation. Past experiences have indicated the impossibility of accurately estimating acreage of crops either as to particular years or averages. For this proceeding it would appear that Mr. Julian's estimate may be taken as the minimum and Mr. Wing's as the maximum average acreage that may be expected during the coming three or four years.

Operating expenses.

The normal average operating expenses applicable to the future was the subject of considerable testimony. The following table sets forth the average expense for the past several years:

Table 3.

Sutter-Butte Canal Company—Maintenance and Operation Expense.

Items	1921	1922	1923	1924	1925 4 Months Estimated
Pumping expenses	$22,370 31	$12,015 54	$7,965 00	$51,459 38	$6,299 47
Transmission and distribution	61,147 99	61,757 81	50,833 49	49,281 60	55,983 24
Commercial expenses	4,301 40	7,089 86	4,026 15	3,641 55	5,241 88
General and miscellaneous	49,669 63	58,714 42	41,068 19	33,875 91	35,117 21
Taxes	13,796 67	15,226 40	19,236 51	28,778 56	28,800 00
Totals	$151,286 00	$154,804 03	$123,129 34	$167,037 00	$131,441 80

Estimates were submitted as to the future operating expenses by Mr. Julian of the Sutter-Butte Canal Company, Mr. Noble of the engineering department of the Commission, and Mr. Wing of the Farm

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Bureau Federation. Certain comments and analyses were submitted by Mr. Galloway, for the Water Users' Association. His studies covered an estimate of conditions under assumed complete development. As stated before, these estimates can only be used as indicating possible trends in the future and not as a basis for fixing the rates for immediate needs. Mr. Julian estimated the expenses at $146,641; Mr. Noble's estimate was $140,000, while Mr. Wing estimated $130,050. The main difference in the estimates of expense, other than general expense, is involved in the question of maintenance and operation of the system. The company has included in its estimate some $15,000 to cover deferred maintenance and improvement of service. The maintenance expenses of the past five years have been relatively low, owing to the lesser acreage irrigated than may be considered normal and owing to the small return earned by the company, which would tend to result in the deferring of maintenance.

The testimony of a number of consumers is to the effect that they have sustained considerable loss due to the poor service rendered. This condition is apparently brought about largely by failure of the company adequately to maintain its canal system, as well as failure on the part of owners of private laterals adequately to maintain them. The testimony of one rice grower was that a loss of approximately 10 sacks of rice per acre resulted from inadequate service. Failure to allow sufficient amount for maintenance of system, without question, would be false economy. We are convinced that the maintenance allowances included by the Commission's engineers and the Farm Bureau are inadequate for the acreage contemplated to be irrigated and the service which the company should render.

Considerable dispute has arisen relative to the allowance for general expense of the company. Representatives of both the Farm Bureau and the Water Users' Association suggest a cut in the general supervisory expense and also a reduction in the legal and Railroad Commission hearing expense. There is no question that the conditions existing during the past several years of numerous proceedings before the Commission and antagonism between consumers and the company have resulted in greater expense to the company than would otherwise have been required. If the disputes between the parties can be eliminated and the company and the consumers' organization join together for the constructive and cooperative settlement of difficulties and the development of the territory, much effort can be diverted to a productive field and a reduction in general expense should result and, in addition, the public will receive better service than is possible under the past conditions of distrust. In this connection the company should be impressed with the fact that considerable depends upon public relations on the ground and any loss sustained through failure on its

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part regarding personnel and management can not be made up by increased rates. It will be expected that as to the future both the company and the consumers will cooperate to the mutual benefit of all. It would appear that, exclusive of depreciation, a reasonable allowance for operating expenses for the service of the acreage which may be reasonably expected would be approximately $142,000. This is based upon elimination of further controversies and a cooperative spirit in the territory. A much higher standard of maintenance of system is to be expected than has occurred in the past.

Value of service.

It is strongly urged by consumers' representatives that the present rates are in excess of the value of the service. Extensive testimony was introduced relative to the cost of producing rice. A comprehensive report was presented by Mr. Wing of the Farm Bureau relative to the production of various crops, fruit, alfalfa and rice. The testimony indicated that the cost of water in connection with the production of fruit crops is relatively small, being less than 5 per cent and, in certain cases, as low as 1½ per cent of the total revenue from the crop produced. The evidence is very clear, as to fruit crops, either from the standard of competition of production of water by pumping or from the economic value of the crops, that the rates now in effect are much below the value of the service. Relative to alfalfa production, the rate of $3.25 per year on the general system and $4.05 for pumped water does not exceed the value of service. The rate for rice irrigation is, of necessity, much higher per year owing to the higher class of service required and greater amount of water needed. Continuous and uninterrupted service for approximately four months per year is necessary for the assurance of a crop. The situation, as it affects rice production, is quite different than that relative to other crops. In general, it appears that rice is raised no oftener than once in two years and, in many cases, once in three years. During the past several years the price of rice has been low, with the result that the producing acreage has been reduced. Apparently the main portion of the rice farming is done by tenants and not by the landowners themselves. The present renting basis is on a one-year period and the rent generally is one-quarter of the crop, where the tenant pays the water bill, and one-third of the crop, where the landowner pays the water bill. It would appear that at a price of 2.75 cents or less per pound for rice the owner makes little or no return, and in some cases a loss on his investment, although the tenant makes, in many cases, some profit, and with an increase in price above 2.75 cents, as now exists, rice growing is, to a large extent, profitable from the standpoint of the tenant. The testimony indicates, under the present price of rice, an

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increase in acreage should result. There appears little opportunity for much profit for the owner of land even with a reduction in the water rates or a higher price of rice unless a change in the renting ratio occurs. The present price of rice can not be expected to continue indefinitely and rates can not be fixed on the basis of the relative price of rice any more than taxes can be so determined. We are convinced, however, that if any relief in rates is possible at this time, it should be allotted to the rice producers. Such relief should, in the ultimate, tend somewhat to improve the rice situation and increase production, although it is apparent that under the present conditions the relief will not be directly reflected to the owner of rice land. Rates can not be made to correct the present division of profits between owners and tenants.

Rates.

The problem of fixing rates for this utility is primarily the question of spreading certain charges between the different consumers affected, with a view to an equitable distribution of the total charges that are found reasonable. It is to a certain extent a problem between consumers and not between the company and the consumers. We are convinced, in this proceeding, that justice requires that the charge under the continuous water rate contracts be discontinued as such and that all users of water be placed upon the same basis and under the same rules with due consideration given to classification of services. It is urged by the consumers' representatives that the three-year form of contract be discontinued, that the service charge form of rate be eliminated and that the rate be fixed on the basis that only consumers using water pay and that no charge be applied to land where water is not used. The justice of the service charge is granted as to principle. The brief on behalf of the Water Users' Association reads, in part, as follows:

> The theory of the service charge is not to be criticised. Where it is practicable and can be uniformly applied and where all consumers are on the same basis with respect thereto, it is a practice to be commended. However, we do not feel that it can be applied in the case of a public water utility area, especially where there exists perpetual contracts as here, under which a large portion of the company's consumers are taking water.

A water system such as the Sutter-Butte Canal system is laid out to serve the entire territory to the limits of reasonable requirements. In general, the existence of the water system results in a material advantage to the owners of the property in that they have a right to apply for water when they desire. In most cases their land is benefited and is of greater value because of the existence of the system. It is a recognized fact in all irrigation districts that equity requires that a portion of the carrying charges be assessed to the land, though

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irrigation is not carried on. Fairness between those irrigating and those not irrigating would dictate such a spread of charges. This is, however, not entirely practicable on a privately-owned public utility. On the other hand, it is a well recognized fact that the continuous users, where possible, should not be penalized for the expense of serving intermittent users. In the case of rice irrigation, there exist a considerable number of consumers who irrigate fairly regularly; on the other hand, there is an influx of irrigators anticipating or following an increase in the price of rice demanding service at a period of high prices and discontinuing as prices decline. This class of consumers, without question, should and can pay more for the one year or so that irrigation is carried on. Justice to all of the consumers, as we see it, demands that a form of rate be made effective which will tend to charge to the opportunist farmer more than to the farmer who continues steadily on the system. The rates heretofore fixed, providing for a three-year contract and a service charge, were planned with this in view. Although some opposition has developed, this is partly due, we are certain, to the continuance of the water right contracts and the application of the service charge thereto and to a misunderstanding of its real intent. The contract form of rate should be continued with the service charge of $1.25 per acre. There appears justification, however, for a basis of discounts for prepayment of succeeding years' service charges to apply to applicants desiring service but one year. Provision will be made for a discount for the prepayment of the second and third years. This will be equivalent to making a rate for one year's service which, for any crop, will be $2.10 per acre more in cases in which service is not used continuously. Landowners, where this prepayment is made, should be entitled to the benefit of prepaid charges in case the land is irrigated for crop production before the expiration of the three-year period. On this basis a rice grower paying on a one-year basis will pay under the rates herein fixed $10.60 per acre the first year. Should the land be irrigated the next year, the charge on the prepayment basis would be $8.25. If land is rested one year, the charge would be $9.35. If land is off two years, the charge would be $10.60.

From a consideration of the entire matter before us, it appears that some reduction in the rates for rice irrigation on the general system should be made. We can not agree that the rates proposed by the Water Users' Association or Farm Bureau, either as to total amount or as to general spread, are reasonable. The three-year contract now in effect should be continued, in general, but no charge made under the continuous contract as such for land not irrigated, water-right contract holders being obligated to pay for service under the same conditions as exist for noncontinuous contract holders. From the standpoint of cost of service and extent of service rendered, a somewhat higher rate

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should be charged for irrigation on the Sutter County Extension. On the basis of the rates fixed herein, and with the elimination of the past antagonism and lack of cooperation between the public and the company, both should be in a position to prosper.

In view of the fact that the date for applying for water for the 1926 season has passed and the majority of the water users have already applied for water under the existing rates, while the season for water use has not commenced, the rates herein fixed will be made effective for the 1926 season and the company required to readjust the bills for the second installment of water, so that the charge for the year 1926 will equal that under the rates herein found reasonable. In addition, water users desiring to accept the discount for prepayment of service charges under applications filed during the spring of 1926 should have the right to avail themselves of the discount provided in the schedules if payments are made prior to July 1, 1926.

We recommend the following form of order:

ORDER.

The Commission having, on its own motion, instituted an investigation into the reasonableness of the rates, charges, specifications, contracts, rules, regulations and service of the Sutter-Butte Canal Company, public hearings having been held, the matter being submitted and ready for decision:

It is hereby found as a fact that the rates charged by the Sutter-Butte Canal Company are unjust and unreasonable in so far as they differ from the rates hereinafter set forth, and basing its order upon the foregoing findings of fact and the findings of fact preceding this order;

It is hereby ordered, that Sutter-Butte Canal Company establish and make effective the rates for water service set forth in Exhibit "A" attached hereto, said rates to apply for service rendered commencing with 1926 irrigation season.

It is hereby further ordered:

1. That Sutter-Butte Canal Company file the rates set forth in Exhibit "A" on or before March 30, 1926, and modify its rules and regulations to comply with the provisions herein prescribed.

2. Sutter-Butte Canal Company adjust its bills for service due and payable under the rates on or before July 1, 1926, so that the total charges in each particular case shall be equal to amounts under schedules herein fixed.

3. Sutter-Butte Canal Company modify its rules numbers 1, 2 and 3 to comply with the provisions of rules numbers 1, 2 and 3 set forth in Exhibit "B" attached hereto.

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For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twentieth day of March, 1926.

EXHIBIT "A."

SCHEDULE OF RATES OF SUTTER-BUTTE CANAL COMPANY.

SCHEDULE No. 1.

Flat rate for rice irrigation.

Applicable to irrigation service for the production of rice.

Territory.

This schedule is applicable to territory served north of the north line extended of sections 34, 35 and 36, T. 16 N., R. 2 E., M. D. B. and M.

Rate.

Service charge of $1.25 per acre per year for contract period, first yearly payment payable at time of application and subsequent payments payable on or before February 1st of succeeding years.

Plus irrigation charge where rice is irrigated of

$3.25 per acre, plus $0.65 per acre where water is pumped, payable on or before February 1st; plus

$4.00 per acre, plus $0.65 per acre where water is pumped, payable on or before July 1st.

Contracts.

This rate schedule is applicable where water user signs three-year contract for service, which shall be renewed or extended with each seasonal application for water for rice irrigation.

Special conditions.

(a) Application for water for rice irrigation must be made on forms supplied by the company, in accordance with rules of the company.

(b) Water users are entitled, under the service charge payment on years where rice is not irrigated, to one flooding, for purposes of sprouting water grass, weeds, or plowing, provided that where water is pumped a further charge of 30 cents per acre-foot will be added. Additional charges for this purpose will be on the basis of 70 cents per acre plus 30 cents per acre-foot where water is pumped for second and each subsequent flooding.

(c) Application for water for summer plowing or sprouting water grass, weeds, etc., will not cause a renewal or extension of the agreement.

Prepayment discount.

For tenant water users not leasing land for more than one year and/or where guarantors satisfactory to the company are not obtained, or where landowners or tenants desire to avail themselves of the discounts, the second and third years' service charge will be subject to the following discounts if paid on or before February 1st of the first year of any three-year contract period.

	Gross Charge	Discount	Net Charge
Second-year charge	$1 25	$0 15	$1 10
Third-year charge	1 25	25	1 00

SCHEDULE No. 2.

Flat rate for rice irrigation (Sutter County extension).

Applicable to irrigation service for production of rice.

Territory.

This schedule is applicable to territory served south of the north line extended of sections 34, 35 and 36, T. 16 N., R. 2 E., M. D. B. and M.

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Rate.

Service charge of $1.25 per acre per year for contract period, first yearly payment payable at time of application and subsequent payments payable on or before February 1st of succeeding years.

Plus irrigation charge where rice is irrigated of

$3.50 per acre, payable on or before February 1st; plus
$4.20 per acre, payable on or before July 1st.

Contracts.

This rate schedule is applicable where water user signs three-year contract for service, which shall be renewed or extended with each seasonal application for water for rice irrigation.

Special conditions.

(a) Application for water for rice irrigation must be made on forms supplied by the company, in accordance with rules of the company.

(b) Water users are entitled, under the service charge payment on years where rice is not irrigated, to one flooding for purposes of sprouting water grass, weeds, or plowing. Additional charges for this purpose will be on the basis of 70 cents per acre for second and each subsequent floodng.

(c) Application for water for summer plowing or sprouting water grass, weeds, etc., will not cause a renewal or extension of the agreement.

Prepayment discount.

For tenant water users not leasing land for more than one year and or where guarantors satisfactory to the company are not obtained, or where landowners or tenants desire to avail themselves of the discounts, the second and third years' service charge will be subject to the following discounts if paid on or before February 1st of the first year of any three-year contract period.

	Gross Charge	Discount	Net Charge
Second-year charge	$1 25	$0 15	$1 10
Third-year charge	1 25	25	1 00

SCHEDULE No. 3.

Flat rate for grain (other than rice) irrigation.

Applicable to irrigation service for the production of grain other than rice and for irrigation for double cropping such as beans or similar crops.

Territory.

This schedule is applicable to territory served north of the north line extended of sections 34, 35 and 36, T. 16 N., R. 2 E., M. D. B. and M.

Rate.

Service charge of $1.25 per acre per year for contract period, first yearly payment payable at time of application and subsequent payments payable on or before February 1st of succeeding years. (This entitles consumer to two irrigations.)

Plus additional irrigation charge of

$0.70 per acre for third and each subsequent irrigation during continuance of service, plus pumping charge at rate of $0.30 per acre-foot, if water is pumped, payable before each irrigation.

Contracts.

This rate schedule is applicable where water user signs three-year contract for service, which shall be renewed or extended with each seasonal application for water.

Special conditions.

Application for water for irrigation must be made on forms supplied by the company, in accordance with rules of the company.

Prepayment discount.

For tenant water users not leasing land for more than one year and or where guarantors satisfactory to the company are not obtained, or where landowners or tenants desire to avail themselves of the discounts, the second and third years' service charge will be subject to the following discounts if paid on or before February 1st of the first year of any three-year contract period.

	Gross Charge	Discount	Net Charge
Second-year charge	$1 25	$0 15	$1 10
Third-year charge	1 25	25	1 00

SCHEDULE No. 4.

Flat rate for grain (other than rice) irrigation (Sutter County extension).

Applicable to irrigation service for the production of grain other than rice and for irrigation for double cropping such as beans or similar crops.

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Territory.

This schedule is applicable to territory served south of the north line extended of sections 34, 35 and 36, T. 16 N., R. 2 E., M. D. B. and M.

Rate.

Service charge of $1.25 per acre per year for contract period, first yearly payment payable at time of application and subsequent payments payable on or before February 1st of succeeding years. (This entitles consumer to two irrigations.)

Plus additional irrigation charge of

$0.75 per acre for third and each subsequent irrigation during continuance of service, payable before each irrigation.

Contracts.

This rate schedule is applicable where water user signs three-year contract for service, which shall be renewed or extended with each seasonal application for water.

Special conditions.

Application for water for irrigation must be made on forms supplied by the company, in accordance with rules of the company.

Prepayment discount.

For tenant water users not leasing land for more than one year and/or where guarantors satisfactory to the company are not obtained, or where landowners or tenants desire to avail themselves of the discounts, the second and third years' service charge will be subject to the following discounts if paid on or before February 1st of the first year of any three-year contract period.

	Gross Charge	Discount	Net Charge
Second-year charge	$1 25	$0 15	$1 10
Third-year charge	1 25	25	1 00

SCHEDULE No. 5.

Flat rate for orchard, vineyard, alfalfa and crops other than grain.

Applicable to irrigation service of orchards, vineyards, alfalfa and crops other than grain.

Territory.

This schedule is applicable to territory served north of the north line extended of sections 34, 35 and 36, T. 16 N., R. 2 E., M. D. B. and M.

Rate.

Service charge of $1.25 per acre per year for contract period, first yearly payment payable at time of application and subsequent payments payable on or before February 1st of succeeding years.

Plus irrigation charge of

$1.00 per acre, plus $0.40 per acre if water is pumped, payable on or before February 1st; plus

$1.00 per acre, plus $0.40 per acre, if water is pumped, payable on or before July 1st.

Contracts.

This rate schedule is applicable where water user signs three-year contract for service, which shall be renewed or extended with each seasonal application for water.

Special conditions.

Application for water for irrigation must be made on forms supplied by the company, in accordance with rules of the company.

Prepayment discount.

For tenant water users not leasing land for more than one year and or where guarantors satisfactory to the company are not obtained, or where landowners or tenants desire to avail themselves of the discounts, the second and third years' service charge will be subject to the following discounts if paid on or before February 1st of the first year of any three-year contract period.

	Gross Charge	Discount	Net Charge
Second-year charge	$1 25	$0 15	$1 10
Third-year charge	1 25	25	1 00

SCHEDULE No. 6.

Flat rate for orchard, vineyard, alfalfa, etc., irrigation (Sutter County extension).

Applicable to irrigation service of orchards, vineyards, alfalfa, and crops other than grain.

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Territory.

This schedule is applicable to territory served south of the north line extended of sections 34, 35 and 36, T. 16 N., R. 2 E., M. D. B. and M.

Rate.

Service charge of $1.25 per acre per year for contract period, first yearly payment payable at time of application and subsequent payments payable on or before February 1st of succeeding years.

Plus irrigation charge of

$1.10 per acre, payable on or before February 1st; plus
$1.10 per acre, payable on or before July 1st.

Contracts.

This rate schedule is applicable where water user signs three-year contract for service, which shall be renewed or extended with each seasonal application for water.

Special conditions.

Application for water for irrigation must be made on forms supplied by the company, in accordance with rules of the company.

Prepayment discount.

For tenant water users not leasing land for more than one year and/or where guarantors satisfactory to the company are not obtained, or where landowners or tenants desire to avail themselves of the discounts, the second and third years' service charge will be subject to the following discounts if paid on or before February 1st of the first year of any three-year contract period.

	Gross Charge	Discount	Net Charge
Second-year charge	$1 25	$0 15	$1 10
Third-year charge	1 25	25	1 00

SCHEDULE No. 7.

Metered rate for rice irrigation.

Applicable to irrigation service for the production of rice.

Territory.

Applicable to territory served north of the north line of sections 34, 35 and 36, T. 16, N., R. 2 E., M. D. B. and M.

Rate.

Service charge of $1.25 per acre per year for contract period, first yearly payment payable at time of application and subsequent payments payable on or before February 1st of the succeeding years.

Plus irrigation charge where rice is irrigated of

$2.50 per acre for 3 acre-feet or less per acre plus 25 cents per acre-foot if water is pumped, payable on or before February 1st; plus
$1.30 per acre-foot, plus pumping charge at the rate of 25 cents per acre-foot if water is pumped, for water used in excess of 3 acre-feet per acre, same to be paid at the end of the month of use.

Contracts.

This rate schedule is applicable where water user signs three-year contract for service, which shall be renewed or extended with each seasonal application for water for rice irrigation.

Special conditions.

(a) Application for water for rice irrigation must be made on forms supplied by the company, in accordance with rules of the company.

(b) Water users are entitled, under the service charge payment on years when rice is not irrigated, to one flooding for the purposes of sprouting water grass, weeds, or plowing, provided that where water is pumped a further charge of 30 cents per acre-foot will be added. Additional charges for this service will be on the basis of $1.30 per acre-foot, plus 30 cents per acre-foot where water is pumped for second and each subsequent flooding.

(c) Application for water for summer plowing or sprouting water grass, weeds, etc., will not cause a renewal or extension of the agreement.

Prepayment discount.

For tenant water users not leasing land for more than one year and/or where guarantors satisfactory to the company are not obtained, or where landowners or tenants desire to avail themselves of the discounts, the second and third years'

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service charge will be subject to the following discounts if paid on or before February 1st of the first year of any three-year contract period.

	Gross Charge	Discount	Net Charge
Second-year charge	$1 25	$0 15	$1 10
Third-year charge	1 25	25	1 00

SCHEDULE No. 8.

Measured rate for rice irrigation (Sutter County extension).

Applicable to irrigation service for the production of rice.

Territory.

Applicable to territory south of north line of sections 34, 35 and 36, T. 16 N., R. 2 E., M. D. B. and M.

Rate.

Service charge of $1.25 per acre per year for contract period, first yearly payment payable at time of application and subsequent payments payable on or before February 1st of succeeding years.

Plus irrigation charge where rice is irrigated of

$2.75 per acre for 3 acre-feet or less per acre, payable on or before February 1st; plus

$1.35 per acre-foot for water used in excess of 3 acre-feet per acre, same to be paid at the end of the month of use.

Contracts.

This rate schedule is applicable where water user signs three-year contract for service, which shall be renewed or extended with each seasonal application for water for rice irrigation.

Special conditions.

(a) Application for water for rice irrigation must be made on forms supplied by the company, in accordance with rules of the company.

(b) Water users are entitled, under the service charge payment on years when rice is not irrigated, to one flooding for the purposes of sprouting water grass, weeds, or plowing.

(c) Application for water for summer plowing or sprouting water grass, weeds, etc., will not cause a renewal or extension of the agreement

Prepayment discount.

For tenant water users not leasing land for more than one year and/or where guarantors satisfactory to the company are not obtained, or where landowners or tenants desire to avail themselves of the discounts, the second and third years' service charge will be subject to the following discounts if paid on or before February 1st of the first year of any three-year contract period.

	Gross Charge	Discount	Net Charge
Second-year charge	$1 25	$0 15	$1 10
Third-year charge	1 25	25	1 00

SCHEDULE No. 9.

Measured rates for orchard, vineyard, alfalfa and crops other than grain.

Applicable to irrigation service in connection with orchards, vineyards, alfalfa and crops other than grain.

Territory.

Applicable to territory served north of north line of sections 34, 35 and 36, T. 16 N., R. 2 E., M. D. B. and M.

Rate.

Service charge of $1.25 per acre per year for contract period, first yearly payment payable at time of application and subsequent payments payable on or before February 1st of succeeding years.

Plus irrigation charge of

$1.25 per acre for 1½ acre-feet or less per acre, plus pumping charge at rate of 30 cents per acre-foot if water is pumped, payable on or before February 1st; plus

$1.45 per acre-foot, plus pumping charge at the rate of 30 cents per acre-foot if water is pumped for water used in excess of 1½ acre-feet per acre, same to be paid for at end of the month of use.

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Contracts.

This rate schedule is applicable where water user signs three-year contract for service, which shall be renewed or extended with each seasonal application for water.

Special conditions.

Application for water for irrigation must be made on forms supplied by the company, in accordance with rules of the company.

Prepayment discount.

For tenant water users not leasing land for more than one year and or where guarantors satisfactory to the company are not obtained, or where landowners or tenants desire to avail themselves of the discounts, the second and third years' service charge will be subject to the following discounts if paid on or before February 1st of the first year of any three-year contract period.

	Gross Charge	Discount	Net Charge
Second-year charge	$1 25	$0 15	$1 10
Third-year charge	1 25	25	1 00

SCHEDULE No. 10.

Measured rates for orchard, vineyard, alfalfa and crops other than grain (Sutter County extension).

Applicable to irrigation service in connection with orchards, vineyards, alfalfa, and crops other than grain.

Territory.

Applicable to territory south of north line of sections 34, 35 and 36, T. 16 N., R. 2 E., M. D. B. and M.

Rate.

Service charge of $1.25 per acre per year for contract period, first yearly payment payable at time of application and subsequent payments payable on or before February 1st of succeeding years.

Plus irrigation charge of

$1.35 per acre for 1½ acre-feet or less per acre payable on or before February 1st, plus

$1.50 per acre-foot for water used in excess of 1½ acre-feet per acre, same to be paid at the end of the month of use.

Contracts.

This rate schedule is applicable where water user signs three-year contract for service, which shall be renewed or extended with each seasonal application for water.

Special conditions.

Application for water for irrigation must be made on forms supplied by the company, in accordance with rules of the company.

Prepayment discount.

For tenant water users not leasing land for more than one year and/or where guarantors satisfactory to the company and not obtained, or where landowners or tenants desire to avail themselves of the discounts, the second and third years' service charge will be subject to the following discounts if paid on or before February 1st of the first year of any three-year contract period.

	Gross Charge	Discount	Net Charge
Second-year charge	$1 25	$0 15	$1 10
Third-year charge	1 25	25	1 00

EXHIBIT "B."

RULES OF SUTTER-BUTTE CANAL COMPANY.

RULE No. 1.

Application for water service.

(a) Any owner or lessee of land, located within the service area of the company's irrigation system, who desires water for the irrigation of said land, or any part thereof, except as provided in Rule No. 2 (c), must file with the company, on or before February 1st of the year in which service is desired, a signed application and agreement on the printed form provided by the company setting forth the use of water desired and furnish to the company such guarantee or security for the payment of the water bills incurred as shall be acceptable to the company. The

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agreement shall provide for a period of three (3) consecutive years for service to the acreage applied and described in the application and agreement, and shall obligate the applicant to pay rates for service for which he has applied for the first year and to the extent of the service charge provided for in the rate during the two succeeding years.

Water for irrigation purposes for each subsequent year will require a renewed application of similar nature.

(b) Where water has been applied for by any applicant hereinabove referred to, for use on part of a tract of land owned or occupied by him, the water furnished to him pursuant to said application shall be limited exclusively to use on the part of said tract described in his application and agreement. If water is desired to be used on any other part of said tract, a separate and new application and agreement must be made therefor.

(c) If, in order to give the desired service, it is necessary for the company to construct, extend or enlarge any ditch or canal, application must be made on or before October 1st preceding the year in which service is desired.

(d) Application for water may be accepted by the company subsequent to February 1st of the year in which service is desired. Such applications shall be known as "Secondary Applications," and must contain a provision to the effect that the application is made and accepted subject to the prior rights of all consumers who made application on or before February 1st, and to the prior rights of holders of contracts for continuous service of water, in case of any shortage of water for irrigation during the ensuing irrigation season.

RULE No. 2.

Renewal or discontinuance of application.

(a) Except as provided herein, under paragraph (c), each applicant, as referred to in Rule No. 1, who desires service to him to be continued, must renew his application and agreement on or before February 1st of each year for a total of three (3) years. Failure to renew by February 1st will place applicant in the position of not being entitled to water for irrigation purposes.

(b) If notice to discontinue is or is not filed, and the application is not renewed on or before said date, he shall be obligated to pay to the company on February 1st of each of the two succeeding years the service charge of $1.25 per acre of the land mentioned or described in his last application and agreement; unless same has been prepaid as provided in Rule No. 1.

(c) Users of water service other than for rice may provide in their application for continuous service from year to year until notice of discontinuance or change is given, in which case renewal will not be required each year.

(d) Application for water under schedules 1 and 2, 7 and 8, for sprouting grass, etc. shall not require any renewal of agreement.

RULE NO. 3.

Holders of continuous contracts.

Each person entitled to receive water from the company under or by virtue of any outstanding contract for the continuous service of water for irrigation purposes who desires to obtain water under that contract in lieu of the three-year contract, as provided for in Rules 1 and 2, may upon notice to the company continue so to do.

The rates for service where the consumer elects to operate under any such contract for continuous service will be the same as those provided in schedules for the three-year contracts.

The following will apply where operation under continuous service contracts is desired:

(a) Each person desiring service shall be obligated, as to the land described in or covered by the contract, to pay such rates and charges as are in effect, based upon the extent and character of use of water to which he is entitled under the contract.

(b) If, however, any such person desires not to use in any year the whole or any of said water which he is so entitled to receive, and files with the company on or before February 1st of that year notice in writing of what he does desire in respect to the non-service of water, he shall then be obligated in that year, and in the next succeeding year thereafter but for no further period in which said notice remains in effect to pay, on or before February 1st thereof, the service charge of $1.25 per acre of the land for which no water is desired, as specified in said notice, and, as to the remainder of his land, such rates or charges, based upon the extent and character of use of the water which he desires to use, as are in effect.

(c) Whenever such notice is filed, it shall continue in effect from year to year until the company is otherwise notified in writing filed with it on or beofore February 1st of the year in which such new notice is to be in effect. Such new notice shall likewise continue in effect from year to year as aforesaid. In the meantime the company shall be free to serve to others the water not desired by the contract holder.

(d) If any notice is filed by any person electing to operate under the continuous contract on or before February 1st of any year that he desires water to be furnished to him for the production of rice in that year on any of his land described in or covered by his contract, such notice shall not be deemed to be in effect for any succeeding year, but if any contract holder shall desire water to be furnished to him for the production of rice in any succeeding year on any of his land described in or covered by his contract, notice thereof in writing shall be filed by him with the company on or before February 1st of that year.

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DECISION No. 16290.

IN THE MATTER OF THE APPLICATION OF THE ATCHISON TOPEKA AND SANTA FE RAILWAY COMPANY FOR APPROVAL AND AUTHORIZATION OF THE ACQUISITION OF CONTROL BY APPLICANT OF FRESNO INTERURBAN RAILWAY COMPANY UNDER A LEASE OF THE LINE OF RAILROAD OF SAID COMPANY AND BY PURCHASE OF THE CAPITAL STOCK OF SAID COMPANY.

Application No. 12559.

IN THE MATTER OF THE APPLICATION OF FRESNO INTERURBAN RAILWAY COMPANY FOR PERMISSION TO SELL ITS CAPITAL STOCK TO THE ATCHISON TOPEKA AND SANTA FE RAILWAY COMPANY AND TO LEASE ITS LINE OF RAILROAD TO SAID COMPANY.

Application No. 12649.

Decided March 24, 1926.

TRANSFER—ELECTRIC RAILROAD—TO LEASE—STOCK—TO PURCHASE.—The Atchison, Topeka and Santa Fe Railway Company authorized to lease properties of Fresno Interurban Railway Company, and to acquire outstanding stock of that company.

Platt Kent, for The Atchison, Topeka and Santa Fe Railway Company.
Sanborn and Rochl and DeLancey C. Smith, by *H. S. Sanborn*, for Fresno Interurban Railway Company.

BY THE COMMISSION.

OPINION.

Fresno Interurban Railway Company asks permission to lease its properties to The Atchison Topeka and Santa Fe Railway Company, pursuant to the terms and conditions of the lease filed in Application No. 12559 and marked "Exhibit A." In application No. 12649, The Atchison, Topeka and Santa Fe Railway Company also asks permission to acquire the outstanding capital stock of the Fresno Interurban Railway Company.

The Fresno Interurban Railway Company was organized in 1914 under and by virtue of the laws of the State of California. As of December 31, 1925, the company reports outstanding $35,000 of capital stock and current liabilities of $551,373.15 consisting of the following:

Audited accounts and wages payable	$27 75
Miscellaneous accounts payable	314,108 92
Matured interest, dividends and rents unpaid	87,936 48
Matured funded debt unpaid	149,300 00

The matured funded debt is represented by 6 per cent bonds which were due and payable September 1, 1924. All of these bonds are held by present stockholders of the company who have not insisted upon their payment. The outstanding stock of the company is at present owned by the Santa Fe Land and Improvement Company. It is proposed that the outstanding stock of the Fresno Interurban Railway Company be acquired by The Atchison, Topeka and Santa Fe Railway

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Company at the amount which the Santa Fe Land and Improvement Company has paid for such stock.

The 1925 annual report of the Fresno Interurban Railway Company shows that its line of railroad extends from Fresno to Sanger road, a distance of 13.14 miles; from Sanger road to Belmont avenue near Centerville, a distance of 4.41 miles. During 1925 the operating revenues of the company are reported at $86,566.67, of which $85,998.79 was obtained from the transportation of freight. The company during 1925 did not engage in the transportation of passengers. The company's operating expenses are reported at $67,964.10, leaving net revenue from railway operation of $18,602.57.

As of December 31, 1925, the Santa Fe Land and Improvement Company had advanced to the Fresno Interurban Railway Company $205,474.50, while The Atchison, Topeka and Santa Fe Railway Company had advanced $99,043.07 for construction purposes. It is of record that if The Atchison, Topeka and Santa Fe Railway Company is permitted to lease the properties of the Fresno Interurban Railway Company and acquire the outstanding stock, such company will advance additional sums to enable the Fresno Interurban Railway Company to extend its line of railway to Minkler and there connect with the line of the Minkler Southern Railway Company, a subsidiary of The Atchison, Topeka and Santa Fe Railway Company.

The testimony shows that during the past several years Fresno Interurban Railway Company depended largely upon The Atchison, Topeka and Santa Fe Railway Company for its car supply. We are of the opinion that the leasing of the properties and the acquisition of the stock of the Fresno Interurban Railway Company by The Atchison, Topeka and Santa Fe Railway Company is in the public interest and believe that these applications should be granted.

ORDER.

Fresno Interurban Railway Company having applied to the Railroad Commission for permission to lease its properties to The Atchison, Topeka and Santa Fe Railway Company, and The Atchison, Topeka and Santa Fe Railway Company having asked permission to acquire the outstanding stock of the Fresno Interurban Railway Company, a public hearing having been held before Examiner Fankhauser and the Railroad Commission having considered the testimony submitted in support of the applications, and being of the opinion that such applications should be granted;

It is hereby ordered, that the Fresno Interurban Railway Company and The Atchison, Topeka and Santa Fe Railway Company be and they are hereby authorized to execute on or before November 1, 1926, a

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lease substantially in the same form as the lease filed in Application No. 12559 as Applicants' Exhibit "A."

It is hereby further ordered, that The Atchison, Topeka and Santa Fe Railway Company be and it is hereby authorized to acquire on or before November 1, 1926, and hold the outstanding stock of the Fresno Interurban Railway Company.

It is hereby further ordered, that the Fresno Interurban Railway Company shall file within thirty days after its execution a certified copy of the lease herein authorized to be executed, and that The Atchison, Topeka and Santa Fe Railway Company shall file within thirty days after acquiring the stock of Fresno Interurban Railway Company a report showing how much it has paid for such stock.

Dated at San Francisco, California, this twenty-fourth day of March, 1926.

DECISION No. 16292.

IN THE MATTER OF THE INVESTIGATION UPON THE COMMISSION'S OWN MOTION INTO THE RATES, TOLLS, RENTALS, CHARGES, CLASSIFICATIONS, CONTRACTS, PRACTICES, RULES AND REGULATIONS OF THE SUSANVILLE WATER COMPANY, A PUBLIC UTILITY.

Case No. 2206.

Decided March 25, 1926.

SERVICE—WATER UTILITY—DISPUTED BILL—JOINT METER—Holding that the Susanville Water Company was in error in discontinuing service to enforce a disputed bill, when the consumer had deposited the amount with the Commission pending settlement of the dispute, the Commission directed that the amount of the bill be divided between complainant, the other joint user, and the company, and that a separate meter be installed to serve complainant.

James A. Pardee, for Susanville Water Company, Defendant.

BRUNDIGE, *Commissioner.*

OPINION.

This is an investigation on the Commission's own motion into the rates, charges, practices, rules and regulations, etc., of the Susanville Water Company, a public utility owned and operated by F. P. Cady and serving water for domestic and commercial purposes to the residents in and about the town of Susanville, in Lassen County. This proceeding resulted from the refusal of the Susanville Water Company to comply with instructions issued by this Commission directing it to resume water service to the premises occupied by one J. C. Brokaw, a consumer, whose water supply had been shut off as a result of a disagreement arising over a bill rendered for prior water service. The Commission made its order, dated December 21, 1925, directing the Susanville Water Company to appear before the Commission on the

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twenty-ninth day of December, 1925, in San Francisco, to show cause, if any it had, why it should not be directed to reconnect service to the premises of J. C. Brokaw and why such other and further relief as the Commission might deem meet in the premises should not be ordered by the Commission.

A public hearing in this matter was held in San Francisco on the twenty-ninth day of December, 1925, at which there appeared F. P. Cady, owner and operator of the Susanville Water Company, represented by his counsel, James A. Pardee.

The evidence shows that on August 3, 1925, J. C. Brokaw, a resident of Susanville and a consumer of defendant water company, filed with this Commission, by letter, an informal complaint against the Susanville Water Company alleging that the same metered service connection supplying water to his premises also was connected to and served the premises of his next-door neighbor, W. M. Vellenoweth, the two houses being owned by the same landlord; that a charge of one dollar per month was deducted from his water bill for the service rendered the neighbor; that for a considerable period complainant's water bill had not been in excess of one dollar per month until the month of July, 1925, for which period the bill rendered amounted to $5.35. This matter was taken up with the company by the Commission's informal complaint department, as the result of which Brokaw, on September 14, 1925, deposited the disputed amount of $5.35 with the Commission for adjustment, as provided in the rules and regulations of the Susanville Water Company and in accordance with the established practice of the Commission.

In view of the fact that two consumers were served by the same connection, and that the responsibility, if any, for the use of water could not be determined as between these two users, the informal complaint department decided that a proper charge for the service rendered during July, 1925, would be one dollar, which had been the amount of Brokaw's water bill for each of the nine months immediately preceding. Accordingly the company was sent one dollar of the amount on deposit with the Commission, and the remainder was refunded to the consumer. The water company declined to accept this informal adjustment, and on October 25, 1925, billed Brokaw for the remaining $4.35 as an unpaid bill, at the same time giving him notice to the effect that if this account was not paid within fifteen days after the first of the following month the service would be disconnected under the company's Rule 8-A, which in effect provides for the shutting off of water for the nonpayment of bills in general where no deposits have been made with the Commission pending an adjustment. Brokaw refused to pay the amount in dispute and the company disconnected the water

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service on November 17, 1925. Thereafter, on December 21, 1925, the Commission issued its order instituting this proceeding.

At the hearing the company agreed to resume service at once to the premises occupied by Brokaw, which service, according to advice received subsequent to the submission of this matter, was resumed on December 29, 1925. The company was in error in disconnecting the water in view of the fact that the consumer Brokaw had deposited with the Commission the amount of the disputed bill and so complied with Rule 10 of the company, which rule provides as follows:

RULE AND REGULATION No. 10—DISPUTED BILLS.

"In case of a dispute between the consumer and the Company as to the correct amount of any bill rendered by the Company for water service furnished to the consumer, the consumer will be notified by the Company to deposit with the Railroad Commission of the State of California the amount claimed by the Company to be due. Upon receipt of said deposit, the Commission will investigate the facts and communicate its findings to the parties.

"Failure on the part of the consumer to make such deposit within 15 days after written notice by the Company that such deposit must be made, or service may be discontinued, shall warrant the Company in disconnecting the service to the consumer without further notice."

The adoption by the company of such a rule necessarily results in precluding it from turning off the water of a consumer who has failed to pay his bill but has complied with said rule. Inasmuch as there was but one metered service connection supplying the premises of J. C. Brokaw and the premises of his neighbor, W. M. Vellenoweth, it was impossible from the evidence to determine definitely the responsibility of each consumer for the water which passed through the meter. Considering the impossibility of definitely determining the actual facts, it appears fair to the Commission that the responsibilty for the use of the water as recorded by the meter for the month of July should be divided equally between the two consumers and the water company. It follows, therefore, that Brokaw should be required to pay one-third of the bill in question, or $1.78.

The Commission has on deposit one dollar, belonging to Brokaw, which it will forward to the company with instructions to bill the said Brokaw for the additional seventy-eight cents in accordance with the terms of the following order.

ORDER.

The Commission having instituted an investigation upon its own motion into the reasonableness of the rates, tolls, rentals, charges, classifications, contracts, practices, rules and regulations of the Susanville Water Company, and particularly into the discontinuance of service to a certain consumer upon its system, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed in the matter;

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It is hereby ordered, that within thirty days from the date of this order the Susanville Water Company install a separate service connection for the purpose of supplying only the premises occupied by J. C. Brokaw at the location referred to in the opinion which precedes this order, and that this Commission be notified in writing within a period of five days after the installation, of its compliance with this order; provided, in case the above separate service connection has already been installed, said Susanville Water Company so notify the Commission in writing within five days after the receipt of this order.

It is hereby further ordered, that within ten days from the date of this order Susanville Water Company deliver to its consumer, J. C. Brokaw, a revised bill for water service furnished to him for the month of July, 1925, not exceeding the total sum of seventy-eight cents, to be due and payable on the first day of April, 1926, after which, if the said amount be not paid, it shall be considered delinquent according to the general rules and regulations of the said company; and that said Susanville Water Company notify this Commission in writing on or before the first day of May, 1926, as to its compliance with the terms of this order and as to the status of the account of and the service rendered to the said J. C. Brokaw.

The effective date of this order shall be twenty days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-fifth day of March, 1926.

DECISION NO. 16293.

CALIFORNIA VEGETABLE UNION

vs.

SOUTHERN PACIFIC COMPANY AND SIERRA RAILWAY COMPANY OF CALIFORNIA.

Case No. 2172.

Decided March 25, 1926.

RATES—STEAM RAILROAD—BOX SHOOK—LUMBER.—Defendants ordered to return to complainant all charges collected in excess of 57 cents per 100 pounds for the transportation of four carloads of box shook, and 65½ cents per 100 pounds for the transportation of one carload of fir lumber from Standard and Sonora, Tuolumne County, to Date, Imperial County, during the period from April 10, 1924, to April 30, 1924.

BY THE COMMISSION.

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OPINION.

Complainant is a corporation with its principal place of business at Los Angeles, California. By complaint filed September 22, 1925, and amended November 30, 1925, it is alleged that the rates assessed by defendants on four carloads of box shook and one carload of fir lumber moving from Standard and Sonora to Date during the period from April 10, 1924, to April 30, 1924, were unreasonable and discriminatory to the extent they exceeded 57 cents per 100 pounds on the shipments of box shook and 65½ cents per 100 pounds on the shipments of fir lumber.

Reparation only is sought.

Standard and Sonora are located on the Sierra Railway, and Date on the Southern Pacific Railroad. The lawfully applicable rates in effect during the period here involved were made by a combination of commodity rates over Oakdale, the interchange point of defendants. The factors from Standard and Sonora to Oakdale were $1.69 per ton of 2000 pounds on box shook and $2.25 per ton of 2000 pounds on fir lumber. The factor from Oakdale to Date on both box shook and fir lumber was 57 cents per 100 pounds.

Effective November 1, 1924, defendants established, in Supplement No. 9 to Pacific Freight Tariff Bureau Tariff No. 48-G, C. R. C. 311, from Standard and Sonora to Date the rates here sought by complainant, namely, 57 cents per 100 pounds on box shook, and 65½ cents per 100 pounds on fir lumber. Complainant bases its plea for reparation on these lower rates established subsequent to the date of movement.

Defendants admit the allegations of the complaint and have signified a willingness to make a reparation adjustment to the basis established November 1, 1924; therefore, under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record we are of the opinion and find that the rates assessed by defendants for the transportation of four carloads of box shook and one carload of fir lumber moving from Standard and Sonora to Date during the period April 10, 1924, to April 30, 1924, were unreasonable and discriminatory to the extent they exceeded 57 cents per 100 pounds on the shipments of box shook and 65½ cents per 100 pounds on the shipment of fir lumber.

We further find that complainant made the shipments as described, paid and bore the charges thereon and has been damaged to the extent of the difference between the charges paid and those that would have accrued at the rates herein found reasonable, and is entitled to reparation.

The amount of reparation due can not be determined on this record. Complainant should submit a statement of the shipments to defendants for check. Should it not be possible to reach an agreement as to the

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amount of reparation the matter may be submitted to the Commission for further attention and the entry of a supplementel order, should such be necessary.

ORDER.

This case being at issue upon complaint, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendants, Southern Pacific Company and Sierra Railway Company of California, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, California Vegetable Union, all charges they may have collected in excess of 57 cents per 100 pounds for the transportation of four carloads of box shook, and 65½ cents per 100 pounds for the transportation of one carload of fir lumber involved in this proceeding, moving from Standard and Sonora to Date during a period from April 10, 1924, to April 30, 1924.

Dated at San Francisco, California, this twenty-fifth day of March, 1926.

DECISION NO. 16295.

IN THE MATTER OF THE APPLICATION OF COALINGA CONSOLIDATED WATER COMPANY FOR PERMISSION TO INCREASE RATES.

Application No. 11674.

Decided March 25, 1926.

RATES—WATER UTILITY—TO INCREASE.—Coalinga Consolidated Water Company authorized to charge rates calculated to produce reasonable costs of operation and maintenance, including an allowance for depreciation on that part of the system now used and necessary. No provision made for return on investment.

Howard S. Lewis, for Applicant.

BY THE COMMISSION.

OPINION.

The Coalinga Consolidated Water Company, applicant in the above entitled proceeding, is a public utility engaged in the business of supplying water for industrial purposes to certain consumers in the oil fields located about three miles north of the city of Coalinga, in Fresno County. The application alleges in effect that the water system was installed just after oil was discovered in the district, the water being used for drilling the oil wells and later for boilers when pumping operations began during the development of the field; that the use of steam boiler equipment for drilling and pumping has been very largely replaced by electrically operated machinery and that the decline of oil production has so decreased the demand for water that the sales, which

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amounted to 862,125 barrels with a gross revenue of $43,403 in 1918, were reduced to 90,839 barrels in 1924, with a corresponding revenue of $4,630. It is further alleged that the present revenues are insufficient to meet even bare costs of operation, to meet which the applicant has been compelled to borrow money. The Commission therefore is asked to grant the applicant an increase in rates.

A public hearing in this matter was held before Examiner Williams at Coalinga, after all interested parties had been duly notified and given an opportunity to appear and be heard. However, no consumers appeared at the hearing and no protests were filed by the consumers against the application.

This company at one time supplied water at wholesale to the Pleasant Valley Water Company, which was engaged in serving the city of Coalinga with water. However, the Pleasant Valley system was acquired by the city of Coalinga and thereafter no more water was purchased from the applicant herein for the city service. A more complete description of the applicant's system will be found in Decision No. 2063, rendered January 13, 1915 (6 C. R. C. 33), and in Decision No. 4908, rendered November 30, 1917 (14 C. R. C. 618).

The present water supply is obtained by pumping from two wells. The water is not potable or suited for domestic purposes but is used only for industrial requirements. There are four other wells on the property, which are no longer required however for the present consumers. Water is stored in a galvanized iron tank of 1250 barrels capacity and distributed to consumers by booster pumping equipment. All pumps are electrically operated. The distribution system consists of approximately 45,000 feet of mains and for the year 1925 served an average of eight metered consumers located at widely scattered parts of the territory.

The rates now in effect on this system were fixed by this Commission on November 30, 1917, in Decision No. 4908, and are as follows:

Meter Rates.

Minimum monthly charges for water delivered through following sizes of meter:

¾-inch	$3 00
1-inch	3 50
1½-inch	5 00
2-inch	6 00
For all water used, per barrel	05

Applicant asks the Commission to establish the following rate schedule or such other as may be considered proper under the circumstances:

For all water used	$0 10 per barrel
Minimum monthly charges for water delivered through ¾-inch meters	6 00 per month
Minimum monthly charges for water delivered through 1-inch meters	7 00 per month

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Minimum monthly charges for water delivered through 1½-inch meters ..... $10 00 per month
Minimum monthly charge for water delivered through 2-inch meters ..... 12 00 per month

C. H. Holley, consulting engineer for applicant, presented an inventory and appraisal of the properties of this system, which was later withdrawn, the company accepting the figures as set out in the report submitted by D. H. Harroun, one of the Commission's hydraulic engineers. This report gave the estimated original cost of all used and useful utility property as $37,491 and the corresponding depreciation annuity $760, computed by the 5 per cent sinking fund method. The result of an analysis of the operating revenues and expenses for the past three years is given below:

	1923	1924	Dec. 1, 1924, to Nov. 30, 1925
Operating revenue	$5,702 50	$4,629 87	$3,175 40
Operating expense less depreciation	5,507 15	6,453 43	5,510 76
Gain	$195 35		
Deficit		$1,823 56	$2,335 36

Using the company's present methods of conducting operations the Commission's engineer estimated that the annual expenses for the immediate future would closely approximate $5,388. The revenues receivable for the year ending November 30, 1925, were $3,175.

The history of this water system shows that during the early development of the Coalinga oil fields the water business was prosperous and flourishing. However, the decline in oil production, together with the general replacement of steam equipment by electrically operated machinery, has all but eliminated the demand for water throughout the entire area once served. Former proceedings involving this company show that in 1910 approximately 2,100,000 barrels of water were delivered for use in the oil fields, and that in 1913 the deliveries had fallen off to 854,100 barrels. The evidence in the present case shows a total delivery of 862,125 barrels in 1918 and 90,839 in 1924. Although this company served twelve consumers during December, 1924, there were but six active consumers on the system on December 31, 1925.

In view of the fact that applicant has stated that it does not desire any return upon its capital investment at this time, and the very apparent fact that business has declined to a very small per cent of the amount which the system was originally constructed to serve, it will be unnecessary to determine a rate base for the purposes of this proceeding.

Although this water system is quite extensive, yet in view of the very few consumers now being served the Commission does not believe that the entire sum of $1,500 per year as charged for supervision, bookkeeping and general commercial expense is a reasonable charge against

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the consumers. Giving this matter proper consideration and in view of the fact that none of the consumers objected in any way to the granting of an increased rate, the Commission is of the opinion that if this company is to continue to render service to its consumers it should be granted additional revenues. This will be provided for in the following schedule of rates which should produce to applicant the reasonable costs of operation and maintenance, including an allowance for depreciation on that part of the system now used and necessary. No provision has been made for return by way of interest on the investment.

ORDER.

Coalinga Consolidated Water Company having made application in the above entitled matter, a public hearing having been held thereon and the matter having been submitted:

It is hereby found as a fact that the rates now charged by the Coalinga Consolidated Water Company for water supplied to its consumers are unjust and unreasonable in so far as they differ from the rates herein established and that the rates herein established are just and reasonable rates for the service rendered.

And basing its order upon the foregoing finding of fact and upon the statements of fact contained in the opinion which precedes this order;

It is hereby ordered, that the Coalinga Consolidated Water Company be and it is hereby authorized and directed to file with the Railroad Commission within twenty (20) days from the date of this order the following rates for water delivered to its consumers, said rates to be charged for all water delivered subsequent to March 31, 1926:

Meter Rates.

Minimum monthly charges.

¾-inch meters	$4 00
1-inch meters	5 00
1½-inch meters	8 00
2-inch meters	12 00

Each of the foregoing "minimum monthly charges" will entitle the consumer to the quantity of water which that minimum wil purchase at the "monthly meter rate" set out as follows:

Monthly Meter Rate.

For all water used ..... $0 09 per barrel of 42 gallons

It is hereby further ordered, that the Coalinga Consolidated Water Company be and it is hereby directed to file with this Commission within thirty (30) days from the date of this order rules and regulations governing the service of water to its consumers, said rules and regulations to become effective upon their approval by the Railroad Commission.

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For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this twenty-fifth day of March, 1926.

DECISION NO. 16296.

IN THE MATTER OF THE APPLICATION OF THE SOUTH SHORE PORT COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE VESSELS FOR THE TRANSPORTATION OF PROPERTY BETWEEN POINTS ON THE INLAND WATERS OF THE STATE OF CALIFORNIA.

Application No. 11730.

Decided March 25, 1926.

CERTIFICATE—TRANSPORTATION—CARRIER BY WATER—PUBLIC NECESSITY.—No public necessity for the proposed service being shown the application is denied.

Edward R. Solinsky, for Applicant.
Sanborn and Rochl and DeLancey C. Smith, by *H. H. Sanborn*, for Bay Cities Transportation Company, Protestant.
Glensor, Clewe and Van Dine, by *H. W. Glensor*, and *H. L. Hofmann*, for Alameda Transportation Company.
E. H. Maggart and *Donald Geary*, for Petaluma and Santa Rosa Railway Company.

BY THE COMMISSION.

OPINION.

This is an application filed by the South Shore Port Company, a corporation, under the provisions of paragraph (*d*), section 50, of the Public Utilities Act, for a certificate of public convenience and necessity to operate vessels for the transportation of property, for compensation, upon the inland waters of the State of California, between San Francisco on the one hand, and on the other Oakland and Alameda.

The petition sets forth that applicant proposes to operate on an irregular schedule whenever traffic is offered and to handle only shipments weighing 15,000 pounds or more. The rates proposed to be established are class rates and range from 11 cents per 100 pounds first class, to 7 cents per 100 pounds fourth class.

The Bay Cities Transportation Company and the Alameda Transportation Company appeared in opposition to the granting of the application.

Public hearings were held before Examiner Geary at San Francisco January 12 and March 9, 1926, and the application having been duly submitted is now ready for our opinion and order.

The South Shore Port Company now operates vessels between San Francisco and Port South Shore, and between Oakland, Alameda and Port South Shore in conjunction with an auto truck service between the latter point and Mountain View, San Jose, Santa Clara, Gilroy and

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other points in the Santa Clara Valley. The service from and to San Francisco has been rendered since July 13, 1923, and from and to Oakland and Alameda since June 3, 1925. The latter service was authorized by the Commission in Application No. 10902, Decision No. 14923, May 14, 1925, primarily for the purpose of permitting applicant to handle traffic between the newly constructed Encinal Terminals at Alameda and points in the Santa Clara Valley. No service has been authorized or is rendered locally between San Francisco and Oakland or Alameda.

Applicant owns two boats equipped with Deisel engines and having a carrying capacity of 185 tons and 300 tons, respectively. Daily service is now rendered from and to San Francisco and a triweekly service from and to Oakland and Alameda. Prior to the Commission's authorization in Application No. 10902, *supra,* applicant owned and operated one boat, but on the assumption that considerable tonnage would be developed at Oakland and Alameda a second boat was purchased. Applicant's general manager testified that the expected tonnage has not materialized and as a result one boat is idle the major part of the time. The operating expenses in serving Oakland and Alameda approximate $600 per month, while the operating revenue for a four-month period, from July to October, 1925, inclusive, averaged $276.33 per month, an operating loss of about $323.67 per month.

Applicant's plea for a certificate of public convenience and necessity appears to be based solely upon its desire to offset the losses on the Port South Shore, Oakland-Alameda run by utilizing the extra boat in local service between Oakland-Alameda and San Francisco.

With the exception of the testimony of applicant's general manager and its freight solicitor, to the effect that six firms shipping freight between San Francisco and Oakland or Alameda had promised some business in the event operations were inaugurated, the record is barren of any evidence or testimony to prove that public convenience and necessity require the proposed service. None of the firms referred to appeared at the hearings to testify, nor was applicant able to give any estimate as to the extent of the promised tonnage.

The record shows that protestants, Bay Cities Transportation Company and Alameda Transportation Company, are rendering an efficient local service between San Francisco and Oakland-Alameda and are amply well equipped to handle all of the traffic offered at the present time. The former company has seven barges and four tugs with a combined carrying capacity of 2000 tons, and the latter one vessel with a carrying capacity of 75 tons. Both companies operate on a daily schedule, the Bay Cities Transportation Company making two round

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trips a day and the Alameda Transportation Company one round trip a day.

Witnesses for protestants testified that the tonnage offered for shipment via their respective lines was considerably below the capacity of their equipment. The general manager of the Bay Cities Transportation Company submitted data showing that the tonnage handled during a seven months' period, extending from June to December, 1925, inclusive, was slightly over 500 tons per day, or approximately 25 per cent of the carrying capacity of its equipment, and an exhibit offered by the Alameda Transportation Company showed that the tonnage handled by that carrier for the year 1925 averaged less than nine tons per day, or approximately 12 per cent of the carrying capacity of its equipment. The traffic manager of the Alameda Transportation Company testified that if the tonnage now carried was depleted to any great extent his company would be forced to discontinue operations.

Upon consideration of all the facts of record, we are of the opinion and find that public convenience and necessity do not require the service proposed by applicant and that the application should be denied.

ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order.

It is hereby ordered, that this application be and the same hereby is denied.

Dated at San Francisco, California, this twenty-fifth day of March, 1926.

DECISION NO. 16297.

IN THE MATTER OF THE APPLICATION OF THE TOWN OF LARKSPUR, COUNTY OF MARIN, STATE OF CALIFORNIA, TO REMOVE PRESENT WOODEN BRIDGE AND APPROACHES ACROSS THE RIGHT OF WAY OF THE NORTHWESTERN PACIFIC RAILROAD AT ALEXANDER AVENUE IN SAID TOWN AND REPLACE SAME WITH A REINFORCED CONCRETE BRIDGE AND APPROACHES.

Application No. 11800.

Decided March 25, 1926.

GRADE CROSSING—STEAM RAILROAD—SEPARATION OF GRADES—TO RECONSTRUCT.—Town of Larkspur, Marin County, and Northwestern Pacific Railroad authorized to replace present wooden bridge carrying Alexander avenue over the tracks of that railroad with a concrete structure. Cost of said structure apportioned equally between principals.

H. C. Symonds, for the town of Larkspur, Applicant, and town of Corte Madera. *R. W. Palmer* and *M. L. Gillogly*, for Northwestern Pacific Railroad Company.

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BY THE COMMISSION.

OPINION.

In the above entitled application, the town of Larkspur asks permission to remove an existing wooden overhead crossing over the tracks of the Northwestern Pacific Railroad Company at Alexander avenue and to replace same with a reinforced concrete bridge and approaches and for an order of this Commission apportioning the cost of such replacement between the town and the railroad company.

A public hearing was held before Examiner Satterwhite at San Rafael on October 26, 1925, at which time the matter was submitted. Subsequently briefs were filed by the interested parties.

Counsel for applicant, town of Larkspur, questioned the jurisdiction of this Commission in a matter of this nature, wherein the town desires merely to replace a crossing other than at grade, and to assess the cost of the improvement to the benefited parties. Counsel for protestant, Northwestern Pacific Railroad, urged that this was a private crossing and that therefore the matter should be dismissed. Counsel for protestant further urged that even if it could be shown that the crossing had become public through use, no right existed whereby the easement so acquired could be extended as herein proposed to provide for a wider roadway.

The town of Larkspur is divided in a north and south direction by the main line of the Northwestern Pacific Railroad Company. The business district and a portion of the residential district lies to the west of the railroad; the remaining residential section is east thereof. The overhead crossing in question is the only existing roadway between the two portions of Larkspur thus divided by the railroad.

The town of Corte Madera lies south of Larkspur and is likewise divided by the railroad right of way, the business district lying to the east of the railroad. Traffic between the two portions of Corte Madera uses one grade crossing situated at Redwood avenue.

The state highway from Sausalito to San Rafael lies entirely on the west side of the railroad tracks in this vicinity and the proposed improvement of the overhead bridge does not involve any change in routing of state highway traffic.

The evidence shows that the existing wooden bridge was built about 1911 by The Union Trust Company et al., under the terms of an agreement entered into between these private parties and the Northwestern Pacific Railroad Company and dated January 30, 1911. It appears that this agreement has never been placed on record in the office of the county recorder of Marin County. The evidence further shows that the approaches to this bridge have never been closed to public use nor have any signs been placed on the bridge, calling the attention of the traveling public to the private nature of the bridge.

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The town engineer testified that a map of Palm Hill subdivision, recorded on June 2, 1913, shows Alexander avenue and Locust avenue as opened and dedicated streets to the railroad property line and further shows the present wooden bridge in place.

From the above, we are led to the conclusion that for the intents and purposes of section 43 of the Public Utilities Act the crossing in question is a crossing of a public road at separated grades over the tracks of a railroad corporation. Under section 43 (*b*) this Commission is vested with the exclusive power to prescribe the terms upon which said installation shall be made and the proportions in which the expense of the construction, alteration, relocation or abolition of such crossings or the separation of such grades, shall be divided between the railroad and the political subdivision affected. It appears to the Commission that it has, under this section of the Public Utilities Act, jurisdiction in the matter now before it. For former decisions in which such jurisdiction has been held, see Decision No. 3718 (11 C. R. C. 392), Decision No. 7029 (17 C. R. C. 681) and Decision No. 6771 (not printed). The latter decision covers a situation which appears somewhat analagous to the present case. .

Counsel for protestant argued, as before stated, that even if the roadway across protestant's property had become public by use, no right existed by which the easement so acquired could be widened as herein proposed so as to provide a wide roadway. We are of the opinion that ample authority exists in the laws of this state to enable the applicant to acquire by proper procedure such property rights or easements as may be required to provide public highway of necessary and convenient capacity. The duty of this Commission under sections 43 (*a*) and 43 (*b*) of the Public Utilities Act is to determine the necessity for a public crossing over a railroad, the manner of crossing, including the adequacy of design, and to apportion the costs of construction and maintenance. This proceeding does not appear to be one in which we are called upon to determine the matter of property damage or cost of acquisition of this additional easement.

The overhead crossing under consideration serves the residential district of Larkspur on the east side of the tracks. The location at which the present overhead bridge is constructed is not only well suited for a grade separation, on account of the railroad tracks being in a cut about twelve feet deep, but it is the location which geographically most satisfactorily serves the public convenience and necessity in this vicinity, as there is no other satisfactory location for a substitute crossing at grade or otherwise within the limits of Larkspur which would as satisfactorily serve the same public need, even were a consideration of the hazard involved by the large number of train movements in this vicinity entirely neglected.

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The territory on the east side of the track is essentially a residential district. At the present time there are about eleven houses in this tract and a large number of unimproved lots. A count showed that about fifty-five school children cross on the bridge on school days to attend the grammar school which is located just west of the crossing. The town of Larkspur has undertaken a paving program, as shown by its Exhibit "B," which includes the paving of a number of the streets and connection with one of the streets of Corte Madera on the east side of the track. When these improvements are completed, it is believed that some of the traffic from Corte Madera, now using the existing grade crossing at Redwood avenue, will be diverted therefrom and will use the proposed new overhead bridge.

That the present wooden bridge is unsafe and inadequate is shown by the testimony introduced to the effect that the approaches to the bridge are safe only for axle loads not exceeding 2300 pounds and the truss is safe only for axle loads not exceeding 5000 pounds. Furthermore, there is no portal or sway bracing between the bridge trusses which results in excessive vibration when a vehicle crosses the bridge. Some of the truss members are of knotty timber and others are badly weathered.

It thus appears that the bridge is unsafe for practically any truck or even for heavy passenger automobiles. The Larkspur fire truck, having an axle load of 11,000 pounds, can not use the bridge in reaching fires east of the track and must be routed by way of the Redwood avenue crossing in Corte Madera, an additional distance of over one-half mile and through another municipality.

The plans entered in evidence by the town of Larkspur for the new bridge show a roadway for vehicles with a clear width of twenty feet and sidewalk width of five feet. The existing structure has a clear roadway for vehicles of only fifteen feet 4 inches and no sidewalk area whatsoever, which is not sufficient to allow for two automobiles to pass each other on its entire length of 190 feet. The approach grades are steep and it is difficult for a motorist on one side to see whether a vehicle is approaching on the other side. These conditions make it necessary, at times, for one autoist to back up in order to allow another to proceed. These conditions are corrected in the new design. The railroad clearances are substantially the same in the new structure as in the old, both designs providing for clearances which are in conformity with General Order No. 26-a of this Commission. The new structure, however, provides space for an additional railroad track on the east side of the present main line, which provision was not made in the old structure. The cost of the new structure is estimated by the town engineer to be approximately $12,000, this low cost being possible by reason of the advantageous location of the bridge.

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After a consideration of all of the testimony in this application, we are of the opinion that public convenience and necessity and public safety require the replacement of the existing wooden structure with a reinforced concrete bridge as applicant desires.

The evidence shows that the town of Larkspur will receive benefits from the proposed improvement in that the safety and convenience of the residents and of the traveling public using the bridge will be increased. Protection against fire to the residents east of the track will be materially improved.

The Northwestern Pacific Railroad Company will benefit in that some traffic now using grade crossings will be attracted to this crossing at separated grades and consequently lessen the liability of accident on the part of the railroad company. For instance, relief of traffic to some extent on the Redwood avenue crossing and consequent lessening of hazard and liability to the railroad company will result upon completion of the proposed viaduct. The safety of the passengers in trains of the railroad will be increased by the removal of an unsafe overhead structure. Space for an additional track, which the superintendent of railroad testified may be necessary in the near future, will be provided.

As set forth in Decision No. 6875 (17 C. R. C. 527), Decision No. 14244 (25 C. R. C. 552) and Decision No. 14872 (26 C. R. C. 400), a railroad corporation is under the obligation of providing means whereby the public may have convenient and safe access from one side of the railroad right of way to the other. The record indicates that the proposed replacement is the most feasible, inexpensive and safe method of providing such access.

In order that residents in Corte Madera may have convenient access to the proposed grade separation, applicant should provide paved roadway not less than twenty feet in width from the bridge to a connection with an existing north and south paved roadway within Corte Madera. Exhibit "B" indicates that applicant proposes such a roadway, and the order will be conditioned to that effect.

After careful consideration of all of the evidence, we conclude that the cost of removing the existing wooden viaduct and replacing same with a reinforced concrete viaduct should be divided, 50 per cent to the municipality and 50 per cent to the railroad, and the order will so provide.

ORDER.

A public hearing having been held in the above entitled matter, the Commission being apprised of the facts, the matter being under submission and ready for decision:

It is hereby found as a fact, that the crossing of Alexander avenue in the town of Larkspur over the tracks of the Northwestern Pacific Rail-

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road Company is a crossing at separated grades of a public road over the tracks of a railroad corporation.

It is hereby further found as a fact, that public convenience and necessity and public safety require that the existing wooden bridge carrying Alexander avenue over the tracks of the Northwestern Pacific Railroad Company be replaced by a reinforced concrete viaduct substantially similar to that shown in Exhibit "A" attached to the application; therefore, based upon these findings of fact and other findings of fact contained in the opinion preceding this order;

It is hereby ordered, that the town of Larkspur and Northwestern Pacific Railroad Company be and they are hereby authorized and directed to remove the existing wooden bridge at Alexander avenue across the tracks of the Northwestern Pacific Railroad Company and to replace same with a reinforced concrete structure carrying Alexander avenue over the railroad subject to the following conditions:

(1) Said crossing shall be constructed with clearances in conformity with this Commission's General Order No. 26-a.

(2) Said crossing shall be constructed substantially in accordance with the plans attached to the application and marked applicant's Exhibit "A."

(3) A paved roadway not less than twenty feet in width shall be constructed and maintained by the town of Larkspur on the east side of the railroad right of way, beginning at or near the east approach of the viaduct herein authorized and ending at a point on the northerly boundary of the town of Corte Madera, said point to be coincident with the center line of an existing north and south paved roadway in the town of Corte Madera, and to lie not further east than lot 14 nor further west than lot 9 of Palm Hill subdivision. Town of Larkspur shall cause suitable road signs to be erected and maintained, calling attention to this route.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

It is hereby further ordered, that the cost of constructing the reinforced concrete structure and of removing the existing wooden bridge shall be borne 50 per cent by applicant, town of Larkspur, and 50 per cent by Northwestern Pacific Railroad Company. The cost of paving up to the structure shall be borne by applicant. The cost of maintenance of said reinforced concrete viaduct shall be borne by applicant. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Northwestern Pacific Railroad Company.

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The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper.

For all other purposes the effective date of this order shall be twenty days from and after the making thereof.

Dated at San Francisco, California, this twenty-fifth day of March, 1926.

DECISION No. 16313.

IN THE MATTER OF THE APPLICATION OF SACRAMENTO NORTHERN RAILROAD, A CORPORATION, AND SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA, (1) AUTHORIZING SAID SACRAMENTO NORTHERN RAILROAD TO SELL AN UNDIVIDED ONE-THIRD INTEREST IN ITS UNION RAILROAD PASSENGER STATION IN THE CITY OF SACRAMENTO TO SAID SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY, (2) AUTHORIZING SAID SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY TO EXECUTE AND DELIVER TO SACRAMENTO NORTHERN RAILROAD TWO PROMISSORY NOTES FOR A PORTION OF THE PURCHASE PRICE OF SAID UNION RAILROAD PASSENGER STATION, AND TO SECURE THE SAME BY A PURCHASE MONEY MORTGAGE ON ITS ONE-THIRD INTEREST IN SUCH UNION RAILROAD PASSENGER STATION TO SACRAMENTO NORTHERN RAILROAD, AND TO ASSUME LIABILITY WITH RESPECT TO CERTAIN SECURITIES, AND (3) AUTHORIZING SACRAMENTO NORTHERN RAILROAD TO PERMIT SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY TO USE JOINTLY WITH IT CERTAIN OF ITS TRACKS IN THE CITY OF SACRAMENTO.

Application No. 11636.

(Second Supplemental.)

Decided March 26, 1926.

TRANSPORTATION—ELECTRIC RAILROAD—UNION STATION FACILITIES—TO LEASE.—Sacramento Northern Railroad authorized to lease to Central California Traction Company an undivided one-third interest in union passenger station at Sacramento for a term of ten years. The latter company authorized to exercise rights and privileges under a franchise from city of Sacramento, under temporary permit.

F. M. Angellotti, for Sacramento Northern Railway.
Young and Hudson, for Central California Traction Company.

BRUNDIGE, *Commissioner.*

SECOND SUPPLEMENTAL OPINION.

The Commission is asked in this second supplemental application to approve and authorize a contract between applicants, Sacramento Northern Railroad and Central California Traction Company, under which the Traction Company will occupy jointly with the Sacramento Northern and San Francisco-Sacramento Railroad Company, the newly constructed union passenger station, trackage and appurtenances at Sacramento, together with certain trackage of the Sacramento Northern

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on I street and Eighth street. The Commission is also asked to authorize the Traction Company to exercise the rights and privileges specified in Ordinance No. 273, fourth series of the city of Sacramento, upon the taking effect of that ordinance and in the interim to exercise all such rights and privileges under a temporary permit granted by the city of Sacramento on March 11, 1926.

A public hearing was held in San Francisco on March 26, 1926, at which time evidence was offered and the matter was submitted.

On May 19, 1923, the Sacramento Chamber of Commerce filed a complaint (Case No. 1912) against Sacramento Northern Railroad, Central California Traction Company and San Francisco-Sacramento Railroad Company in which the complainant asked the Railroad Commission to make an order directing, among other things, that the defendants be required to establish in the city of Sacramento a union railroad passenger station. Following the filing of the complaint, conferences were held with the result that the defendant companies entered into an agreement to construct a union railroad passenger station. Thereafter Case No. 1912 was dismissed upon the request of the complainant. The evidence shows that the Sacramento Northern Railroad purchased the land necessary to construct the station, and constructed the station, tracks, overhead structures and appurtenances, with the understanding that it would transfer at cost an undivided one-third ($\frac{1}{3}$) interest to the San Francisco-Sacramento Railroad Company and that it might lease or convey not to exceed one-half ($\frac{1}{2}$) of its undivided two-thirds ($\frac{2}{3}$) interest to the Traction Company.

In Decision No. 15410 and Decision No. 15584 in this matter the Commission authorized applicants, Sacramento Northern Railroad and San Francisco-Sacramento Railroad Company, to carry out terms and provisions of an agreement whereby the former transferred to the latter, at cost, an undivided one-third ($\frac{1}{3}$) interest in the union station and permitted joint operation on certain of former's tracks on I street, Eighth street and M street. Permission to exercise rights and privileges of Ordinance No. 140 and Ordinance No. 181, fourth series of the city of Sacramento, was also authorized.

In this instance the applicant Central California Traction Company now desires to occupy the union passenger station jointly with the Sacramento Northern and San Francisco-Sacramento Railroad Company and to that end has entered into an agreement with the Sacramento Northern for the lease of an undivided one-third ($\frac{1}{3}$) interest in all of the union passenger station property for a period of ten (10) years. This agreement provides also for the joint use of certain tracks of Sacramento Northern on Eighth street and I street, shown in red on Exhibit "A," attached to the agreement. In return the Traction Company is obligated to pay six (6) per cent annually on one-third ($\frac{1}{3}$)

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of the capital cost of the station, or $465.07 monthly, together with an annual rental of $1,412.19 for the joint use of tracks on Eighth street and I street. In addition, provision is made for payment of operating costs incurred on jointly used property. This supplemental application, it appears, is merely one of the steps necessary in carrying into use a union passenger station for the three interurban railroads entering Sacramento. The record in this proceeding sets forth the advantages of a union station, which consist mainly of relief to traffic congestion, caused by trains standing in busy city streets, increase in convenience and safety of railroad patrons, and better facilities for interchange of through passengers between the interested carriers.

Ordinance No. 273, fourth series of the city of Sacramento, which was filed at the hearing, provides for joint use of the tracks of Sacramento Northern Railroad by the Traction Company. This ordinance does not become effective until May 3, 1926, and as it is desired by applicants to place the proposed arrangement into effect on March 28, 1926, a temporary permit was passed by the city council, granting the right forthwith to exercise the rights specified in Ordinance No. 273, fourth series, pending the taking effect of that ordinance.

I am of the opinion that public convenience and necessity and public safety require the joint use of the union passenger station by the Traction Company and that the agreement herein referred to should be approved. The Traction Company should also be authorized to exercise the rights and privileges of Ordinance No. 273 and of the temporary permit.

SECOND SUPPLEMENTAL ORDER.

Second supplemental application having been filed with this Commission in this proceeding, as indicated in the second supplemental opinion which precedes this order, a public hearing having been held, the matter being under submission and ready for decision; therefore,

It is hereby ordered, that applicant Sacramento Northern Railroad be and it is hereby authorized to lease to applicant Central California Traction Company an undivided one-third (⅓) interest in the union railroad passenger station, tracks, overhead structures and appurtenances in the city of Sacramento, referred to in this proceeding, for a term of ten (10) years, in accordance with terms of an agreement between the applicants, attached to said second supplemental application.

It is hereby further ordered, that applicants Sacramento Northern Railroad and Central California Traction Company be and they are hereby authorized to carry out the terms and provisions of the agreement attached to and filed with the second supplemental application in this proceeding, in so far as the terms and provisions of said agree-

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ment relate to the joint operation and use of the union passenger railroad station, tracks, overhead structures and appurtenances and joint trackage on Eighth street and I street, referred to in the agreement.

It is hereby declared that the public convenience and necessity require the Central California Traction Company to exercise the rights and privileges granted to it by Ordinance No. 273, fourth series of the city of Sacramento, and pending the taking effect of such ordinance, by the temporary permit granted March 11, 1926, by the city council of said city and on file in this proceeding.

It is hereby further ordered, that the orders in Decision No. 15410, dated September 18, 1925, and Decision No. 15584, dated October 29, 1925, shall remain in full force and effect.

The authority herein granted is subject to the condition that applicant Sacramento Northern Railroad file with this Commission, within sixty (60) days from the date hereof, a certified copy of the agreement between Sacramento Northern Railroad and Central California Traction Company, referred to herein, duly executed by the parties thereto.

The authority herein granted shall become effective on the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-sixth day of March, 1926.

DECISION NO. 16316.

IN THE MATTER OF THE APPLICATION OF POMONA VALLEY TELEPHONE AND TELEGRAPH UNION, ONTARIO AND UPLAND TELEPHONE COMPANY, AND THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY FOR AUTHORIZATION TO DISCONTINUE SO-CALLED FREE SERVICE NOW BEING RENDERED BETWEEN THE EXCHANGE SYSTEMS OF POMONA VALLEY TELEPHONE AND TELEGRAPH UNION AND ONTARIO AND UPLAND TELEPHONE COMPANY, AND TO MAKE EFFECTIVE IN LIEU THEREOF STANDARD INTERCHANGE RATES AS NOW ON FILE WITH THE COMMISSION FOR THE SERVICE INVOLVED.

Application No. 11480.

Decided March 29, 1926.

RATES—TELEPHONE UTILITY—FREE TOLL SERVICE.—Previous order authorizing applicants to discontinue free toll service between Chino and Ontario exchanges, set aside, and application denied.

R. K. Pitzer and *Ernest Irwin*, for Pomona Valley Telephone and Telegraph Union, one of the Applicants.

James G. Marshall, for Ontario and Upland Telephone Company, and for Pacific Telephone and Telegraph Company, also Applicants.

E. H. Jolliffe, City Attorney, for City of Ontario, Protestant.

Ralph C. Homan, City Attorney for City of Chino, and for Chino Chamber of Commerce, Protestants.

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Isaac Jones, for Chamber of Commerce of Ontario, and for Ontario Business Men's Association, Protestants.
Ernest Irvin, for California Independent Telephone Association, an interested party.
Vincent G. Lucas, for Ontario Chamber of Commerce and certain agricultural interests.

BY THE COMMISSION.

OPINION.

On February 11, 1926, this Commission issued its Decision No. 15984 in the above entitled matter ordering the Pomona Valley Telephone and Telegraph Union and the Ontario and Upland Telephone Company to discontinue on and after March 1, 1926, the furnishing of the so-called free toll service between Chino and Ontario and Chino and Upland and that on and after March 1, 1926, The Pacific Telephone and Telegraph Company shall furnish toll service between Chino and Ontario and between Chino and Upland and charge and collect the initial rate of five cents (5¢) per message.

On February 27, 1926, the Commission received a petition from the city of Ontario, Chamber of Commerce of Ontario and others requesting a rehearing of this Commission's decision above referred to. This Commission then issued its order setting aside the order in Decision No. 15984 and reopened the proceeding for the purpose of receiving further testimony.

The rehearing in this matter was then held before Examiner Williams in the city of Pomona, on March 15, 1926, at which time and place the matter was submitted.

It is the contention of the city, and the Chamber of Commerce of Ontario that the establishment of the five-cent (5¢) toll rate between Ontario and Chino would place Ontario in an unfavorable position relative to Chino as compared with Pomona and that the telephone service between Ontario and Chino should be furnished upon the same basis as telephone service between Pomona and Chino.

There appears to the Commission at this time to be a number of questions regarding the telephone service to the various communities served by the utilities involved in this proceeding that should be investigated before the discontinuance of the so-called free service existing between Chino and Ontario and for this reason we are of the opinion that the order in Decision No. 15984 should be set aside and that applicants' request for the discontinuance of this service should be denied.

ORDER.

The Railroad Commission on February 27, 1926, having issued its supplemental order setting aside the order as contained in Decision No. 15984, dated February 11, 1926, in the above entitled proceeding and having reopened this proceeding for the purpose of receiving further

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testimony, a public rehearing having been held and the matter having been submitted and now ready for decision:

The Railroad Commission of the State of California hereby finds as a fact that the order in this Commission's Decision No. 15984, in Application No. 11480, dated February 11, 1926, should be vacated and set aside, and that application of the Pomona Valley Telephone and Telegraph Union, the Ontario and Upland Telephone Company and The Pacific Telephone and Telegraph Company requesting the discontinuance of the so-called free toll service between Chino and Ontario exchanges should be denied.

Basing its order on the foregoing findings of fact and upon such other findings of fact as are set forth in the opinion preceding this order;

It is hereby ordered, that the order of the Railroad Commission in its Decision No. 15984, in Application No. 11480, dated February 11, 1926, be and it is hereby vacated and set aside.

It is hereby further ordered, that the application of the Pomona Valley Telephone and Telegraph Union, the Ontario and Upland Telephone Company and The Pacific Telephone and Telegraph Company, requesting authority to discontinue the so-called free toll service between Chino and Ontario exchanges, be and the same is hereby denied.

Dated at San Francisco, California, this twenty-ninth day of March, 1926.

DECISION NO. 16319.

IN THE MATTER OF THE APPLICATION OF CONSOLIDATED MOTOR FREIGHT LINES, INC., FOR AN ORDER AUTHORIZING THE ISSUE OF STOCK.

Application No. 12217.

Decided March 29, 1926.

SECURITIES—STOCK—TO ISSUE—EXCESSIVE COMMISSION.—Finding that applicant has violated conditions of the Commission's previous order authorizing sale of stock, and fixing 15 per cent as the amount to be expended for commissions and expenses incidental to the sale thereof, the Commission denies the present application, and directs the responsible officers to make restitution to the company of such excessive amounts expended.

Devlin and Brookman, by *Douglas Brookman*, for Applicant.

BY THE COMMISSION.

OPINION.

Consolidated Motor Freight Lines, Inc., asks permission to issue 27,050 shares ($135,250 par value) of its capital stock of the par value of $5 per share and sell such stock at $6.25 per share.

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The company further asks permission to use $1.25 per share to pay commissions and expenses incident to the sale of the stock and use the remaining proceeds to acquire equipment and other properties and provide itself with working capital.

By Decision No. 14123, dated October 2, 1924, in Application No. 10437 (Vol. 25, Opinions and Orders of the Railroad Commission, page 433), the Railroad Commission authorized Consolidated Motor Freight Lines, Inc., to issue and sell 8037 shares (par value $40,185) of stock at not less than $6.25 per share, the price at which applicant reported it could sell its stock. The authority to issue the stock was subject, among others, to the following conditions:

> Of the proceeds obtained from the sale of the $40,185 of stock, applicant (Consolidated Motor Freight Lines, Inc.) may use, if necessary, an amount not exceeding 15 per cent of the par value of stock sold to pay commissions and other expenses incident to the sale thereof, and may use the remaining proceeds to finance the cost of additional property and equipment and to provide working capital, as indicated in the foregoing opinion. Any proceeds not needed for these purposes may be expended only as hereafter authorized by the Commission in supplemental orders.

The testimony in the proceeding now before the Commission shows that applicant has paid a commission of 15 per cent to sell its stock and has expended additional sums to pay expenses incident to the sale of such stock. In our opinion the practice of applicant constitutes a violation of the Commission's order. When this Commission grants a utility permission to issue securities and fixes the terms and conditions under which such securities may be issued and sold, it expects and must require the officers of the utility to comply with its orders. If such orders are violated, we believe that they and not the company or its innocent stockholders should be required to make restitution.

In view of this situation, and until restitution has been made, we do not feel that we can consider the authorization of any further issue of securities by applicant corporation. When, therefore, and not until, this Commission is furnished with satisfactory evidence that the officers of Consolidated Motor Freight Lines, Inc., have returned to the company the amount expended in connection with the sale of its stock in excess of the amount heretofore allowed by the Commission, the Commission will give further consideration to the request of applicant for permission to issue additional stock. In the meantime we believe that the application now pending before the Railroad Commission should be denied without prejudice.

ORDER.

Consolidated Motor Freight Lines, Inc., having applied to the Railroad Commission for permission to issue $135,250 of stock, a public hearing having been held before Examiner Fankhauser and it appear-

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ing that the company has issued stock in violation of the terms and conditions of this Commission's Decision No. 14123, and it being the Commission's opinion that the pending application should be denied without prejudice to its renewal at such time as applicant has furnished satisfactory evidence showing that its officers, who have been responsible for issuing stock in violation of the terms and conditions of the Commission's said Decision No. 14123, dated October 2, 1924, have returned to applicant an amount equal to the amount expended for commissions and expenses incident to the sale of stock in excess of the amount allowed by the order in said Decision No. 14123; now, therefore,

It is hereby ordered, that this application be and it is hereby denied without prejudice.

Dated at San Francisco, California, this twenty-ninth day of March, 1926.

DECISION No. 16321.

IN THE MATTER OF THE APPLICATION OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY FOR AUTHORITY TO ADJUST RATES ON FREIGHT, ALSO PETROLEUM AND PETROLEUM PRODUCTS, BETWEEN RICHMOND AND OAKLAND (EMERYVILLE), AND ON PETROLEUM AND PETROLEUM PRODUCTS FROM BAY POINT TO OAKLAND (EMERYVILLE), AND FROM OAKLAND (EMERYVILLE) TO SAN PABLO AND VINE HILL, INCLUSIVE, AND TO DEPART FROM THE PROVISIONS OF SECTION 24 (*a*) OF THE PUBLIC UTILITIES ACT OF THE STATE OF CALIFORNIA.

Application No. 12441.

Decided March 29, 1926.

RATES—STEAM RAILROAD—TO ADJUST.—Application granted.

George T. Hurst and *Platt Kent*, for applicant.
Leo Jacobs, for S. T. Johnson Company.

BY THE COMMISSION.

OPINION.

This is an application of The Atchison, Topeka and Santa Fe Railway Company for permission, under section 63 of the Public Utilities Act, to amend Item 960-B of its Tariff 12375-E, C. R. C. 529, applicable to freight, carloads, and notes 7, 8, 67 and 68 of its Tariff 9777-I, C. R. C. 527, applicable in connection with rates on petroleum and petroleum products restricting the district between which the rates named in those items apply, by adding:

Extending south on the main line from the northern boundary line of the city of Berkeley to a point 200 feet west of the west line of Yerba Buena avenue and north from Shellmound Tower on the Berkeley (Ward street) line, to and including the west line of Vallejo street; also north of the Ninth street electric line to and including the south line of Fifty-ninth street.

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Authority is also sought for relief from the provisions of section 24 of the Public Utilities Act, for the reason that The Atchison, Topeka and Santa Fe Railway Company in serving Oakland (Emeryville), Twentieth and Wood streets, on traffic moving through Richmond, is the long line having to meet via a circuitous route the rates of the Southern Pacific Company, the short line.

A public hearing was held before Examiner Geary March 3, 1926, and the matter having been duly heard and submitted is now ready for an opinion and order.

The rates will be stated in cents per 100 pounds, and The Atchison, Topeka and Santa Fe Railway Company and the Southern Pacific Company will be known as the Santa Fe and the Southern Pacific, respectively.

The only opposition to the granting of the application was presented by the S. T. Johnson Company, which company is served by the Southern Pacific at Oakland. This company testified they have transported carload shipments of petroleum products from Richmond to their plant at Oakland for 3 cents, plus $2.70 per car by routing via the Santa Fe to Oakland, thence Southern Pacific delivery, whereas under the proposed adjustment the rate would be 3½ cents without the switching charge of $2.70 per car. The testimony presented showed that the charge of 3 cents, plus $2.70 per car, was slightly less than the charge arrived at by use of the rate of 3½ cents.

Prior to August 21, 1921, the Santa Fe and Southern Pacific rate between Richmond and Oakland (Emeryville) was 4 cents, both routes being on a rate parity. Effective August 21, 1921, in connection with the decision of this Commission in Case No. 1443, *South San Francisco Chamber of Commerce* vs. *Southern Pacific Company et al.* (18 C. R. C. 997), the rate was reduced to 3 cents to points north of the Oakland (Emeryville) line and to points south of the line 3½ cents. Under this adjustment the rate via the Santa Fe from Richmond to the interchange track at Twentieth and Wood streets was 3½ cents, that point being south of the Oakland (Emeryville) line. In order that the Santa Fe might enjoy the same rates as the Southern Pacific in that territory it was, under date April 1, 1924, in accordance with a petition filed, granted authority by this Commission to depart from the provisions of section 24 (*a*) of the Public Utilities Act and establish a rate of 3 cents on freight, carloads, from Richmond, California, only, to the Southern Pacific-Santa Fe transfer at Twentieth and Wood streets, Oakland (Emeryville), applicable only to shipments destined to industries, warehouses or private side tracks within the Southern Pacific Oakland switching limits in the district north of a point 200

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feet west of the west side of Yerba Buena avenue, Oakland, California. At the same time authority was granted to amend Tariff 9777-I. Through a clerical error Item 960 of Tariff 12375-E and the foot notes in Tariff 9777-I were not amended to include an easterly limit and as a result the Santa Fe, in error, published a 3-cent rate applicable in Southern Pacific 3½ cent territory. The shippers who routed their traffic from Richmond to Oakland via the Santa Fe were enabled to reach Southern Pacific territory where the 3½-cent rate prevailed by paying 3 cents, plus the Southern Pacific switching charge of $2.70 per car.

It appears that the granting of the authority prayed for will have the effect of complying with the Commission's suggestions in Case No. 1443, *supra*.

Upon consideration of all the facts of record we are of the opinion and find that the applicant should be permitted to depart from the provisions of section 24 (*a*) of the Public Utilities Act, and to meet via its long line the rates in effect via the Southern Pacific, the short line. We are further of the opinion and find that the applicant should be permitted to amend its Tariff 12375-E, C. R. C. 529, and reissues thereof, and to amend Tariff 9777-I, C. R. C. 527, as set forth in the application.

ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved therein having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which is hereby referred to and made a part hereof;

It is hereby ordered, that The Atchison, Topeka and Santa Fe Railway Company be and it is hereby authorized to amend its Tariff 12375-E, C. R. C. 529, and reissues thereof, and Tariff 9777-I, C. R. C. 527, as set forth in Exhibit A of the application.

It is hereby further ordered, that applicant, The Atchison, Topeka and Santa Fe Railway Company, be and it is hereby authorized to depart from the provisions of section 24 (*a*) of the Public Utilities Act to the extent as set forth in Exhibit A of the application.

Dated at San Francisco, California, this twenty-ninth day of March, 1926.

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DECISION NO. 16328.

IN THE MATTER OF THE INVESTIGATION ON THE COMMISSION'S OWN MOTION OF THE REASONABLENESS OF THE RATES, SERVICE, RULES, REGULATIONS AND PRACTICES OF MILLER AND LUX, INCORPORATED, A CORPORATION, IN THE SUPPLYING OF WATER FOR DOMESTIC USE TO RESIDENTS OF A TRACT OF LAND COMMONLY KNOWN AS THE "MILLER AND LUX COLONY," LOCATED IN THE SAN JOAQUIN VALLEY IN THE VICINITY OF FIREBAUGH AND MENDOTA, FRESNO COUNTY.

Case No. 2045.

Decided March 29, 1926.

RATES—WATER UTILITY—MUTUAL SYSTEM.—Finding that the water system serving the Miller and Lux Colony is not a mutual system, and that the rates were raised without authority of the Railroad Commission, the Commission ordered Miller and Lux, Incorporated, to return, in the form of credit on future water bills, the amount collected illegally since April 1, 1924. Present rates found reasonable.

T. P. Wittschen and *Joseph C. Sharp*, and *J. E. Wooley* and *Vincent J. McGovern* by *Vincent J. McGovern*, *for* Miller and Lux, Incorporated.
Peckinpaugh and Carter by *Rae B. Carter*, for Consumers.

BY THE COMMISSION.

OPINION.

This is a proceeding initiated on the Commission's own motion to determine whether the rates, service, charges, practices, rules or regulations, or any of them, of Miller and Lux, Incorporated, a corporation, in the furnishing of water for domestic use to residents upon a tract of land commonly known as the "Miller and Lux Colony," located in the San Joaquin Valley in the vicinity of Firebaugh and Mendota, Fresno County, are unjust, unreasonable, discriminatory or perferential in any particular, and to determine the just, reasonable and sufficient rates, charges, service, practices, rules or regulations to be observed and enforced in connection with such service of water by said Miller and Lux, Incorporated, and to fix same by order.

In 1921 Miller and Lux subdivided a tract of land known as the Miller and Lux Colony, containing approximately 2890 acres situated near Firebaugh and Mendota. It sold tracts in this colony for farming purposes in parcels of ten acres or more. A water system was installed for the purpose of supplying the colony with domestic water service, the distribution system consisting of 73,380 feet of concrete pipe ranging in size from 8 to 12 inches in diameter. There are at present only 21 consumers receiving domestic service, which shows an installation of almost 3500 feet of mains per consumer, indicating a very sparsely settled and undeveloped community and a very large investment for each consumer. The domestic water supply is obtained from two drilled wells and is elevated by two electrically driven deep well pumps into two concrete storage tanks, each of 50,000 gallons

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capacity. Distribution is by gravity from the tanks and all service has heretofore been rendered at flat rates.

In August, 1924, a complaint was filed with the Commission by twenty landowners and residents served by this water system, alleging in effect that Miller and Lux were illegally attempting to charge increased rates for water furnished to the colonists; that at the time of the purchase of the land, sales agents informed the purchasers that the cost of water would be approximately $3 per acre per year and that this charge would include both irrigation and domestic supply, and that said Miller and Lux were attempting to coerce the consumers into converting the system into a mutual water company, demanding that each consumer purchase stock therein or forfeit the right to receive water.

Attempts by representatives of the Commission to adjust informally the matters complained of were unsuccessful for the reason that Miller and Lux contended that this water system was not and never had been operated as a public utility and that the Commission therefore had no jurisdiction over the case. The Commission thereupon instituted this investigation upon its own motion to inquire into the practices, methods of operation and rates charged on this system.

Public hearings were held at Fresno and Firebaugh before Examiner Wheat and also before Examiner Satterwhite, after all interested parties had been notified and given an opportunity to be present and be heard.

From the evidence it appears that the consumers receiving domestic water from this system were not definitely apprised of the conditions of service or of the alleged intentions of the company until on or about the first of April, 1924, at which time Miller and Lux mailed to each consumer or colonist a letter stating that effective at once the domestic water service charge would be made at the rate of $5 per month. One month's domestic charge was generally paid by the colonists, whereupon bills were presented for the month previous to the one for which payment had been made. The bills for this previous month were also quite generally paid. On or about June 30, 1924, however, the consumers were presented with bills for domestic water service at the rate of $5 per month for each month since they had moved onto the land, due allowance being made for amounts previously collected. Payment of such sums was generally resisted, and in July or August of 1924 Miller and Lux attempted to induce the colonists to form a mutual water company to take over the domestic water system, and demanded that the cost of the system be assessed against and paid for by the colonists at a rate slightly in excess of $25 per acre of land owned by them. Under this demand it was proposed that the maintenance and operation expenses were to be divided among

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the colonists upon an acreage basis. Miller and Lux at this time intimated that failure to comply with the demands for the formation of the mutual water company would result in the discontinuance of further water service, although it agreed to continue to furnish water at the rate of $5 per month to those consumers who would proceed immediately to sink wells, the offer to continue in force until their wells were completed. Thereupon a form of agreement for the organization of a mutual water company was circulated by Miller and Lux among the consumers, who were informed that those who did not sign by August 15, 1924, would have their domestic water supply discontinued. As a result of this action water was shut off at the residences of at least nine persons who refused to sign. Apparently no objection was made by the consumers to the payment of a reasonable charge for domestic service, but serious objection was made against the attempt to force upon them an additional charge of approximately $25 per acre to acquire the domestic system under a mutual company organization, and to the attempt to force the payment of the charge of $5 per month for services rendered in former years, prior to the date upon which notice was received to the effect that the charge for domestic service would be $5 per month.

At the hearings herein the colonists claimed that no agreement or understanding was ever entered into between Miller and Lux and themselves regarding the formation of a mutual water company for supplying domestic water until August, 1924, at which time some of the settlers signed the agreement above mentioned, under what might almost be termed coercion. This took place about two or three years after the construction of the water system by Miller and Lux. The evidence discloses that there is nothing contained in the agreements of sale for this land which in any way refers to or implies an intent to form a mutual company to handle domestic service, although the matter of irrigation service is specifically and definitely provided for in said agreements. It seems evident that if Miller and Lux did, in fact, not intend to operate this domestic water system as a public utility system, it did not disclose such intent to these consumers or the public generally. No such intent was ever mentioned or disclosed until service had been rendered for a number of months and until bills in regular form for water service at $5 per month had been rendered and paid for current service.

A report covering a field investigation and appraisal of the physical properties of the company, together with a study of the maintenance and operation expenses, was presented by D. H Harroun, one of the Commission's hydraulic engineers, in which the original cost of all the property used in rendering this service was estimated to be $66,891, the replacement annuity, computed by the 5 per cent sinking fund

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method, was set out as $1,236, and the sum of $7,360 was recommended as a reasonable estimate to cover maintenance and operation expense for the immediate future. This estimate of expense was based, however, upon the system as it exists, which is a poor type of installation from the standpoint of service and a relatively expensive one to maintain, and can not be considered in any sense as a final determination.

The operating revenues and expenses exclusive of charges for administration, office expense and taxes for the year 1924, and from January 1 to June 30, 1925, are as follows:

	1924	*1925 to June 30*
Total operating revenue	$2,167 00	$937 00
Operating expense	4,984 00	3,283 00
Deficit	$2,817 00	$2,346 00

The total operating expense, as shown by the records of Miller and Lux for the fiscal year ending June 30, 1925, was $6,699.

The revenues for 1924 and the first half of 1925 included, respectively, $577 and $307 from emergency irrigation service delivered through the domestic system because of the extremely dry year, which additional revenues would not be received under normal operating conditions. Based upon the operating cost estimates of the Commission's engineer, the results of operation for strictly domestic service during the coming year for the 21 consumers will result in a deficit of $7,336, but it should, of course, be understood that the rates for service under this system must be based upon the total area under the system. The rates charged by Miller and Lux are $5 per month for domestic service, $5 per acre for each irrigation for flooding and $4 per acre an irrigation for furrows. The above rates are not on file with the Railroad Commission.

While the present rate of $5 per month is considerably higher than the ordinary charge for domestic service rendered by public utilities, yet under the exceptional conditions of service existing on this system, wherein the consumers reside on small farms widely separated from each other and scattered over a very large area, we are of the opinion that the charge is not unreasonable. The rate schedule now in effect will not produce revenues sufficient to meet operating expenses and depreciation. However, at the present undeveloped state of this project and of the community served, a rate designed to meet the bare costs of operation and depreciation would be absolutely prohibitive and far more than the service rendered would be worth. There being no protests against the rate now charged, it appears that the domestic service rate of $5 per month should be approved at this time by the Commission.

Although defendants claim that they have never operated this system as a public utility and are therefore not under the authority of the

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Commission, it is difficult to reconcile this contention with the acts and methods of operation pursued by this company. The evidence shows that defendants have served water for domestic purposes to all those residents of the colony who applied therefor, that since April, 1924, a charge of $5 per month has been made for the water furnished, and that at a subsequent date the consumers were billed for all service received prior to the month of April, 1924, although no charge had been made up to that time for water. Although defendants succeeded in obtaining the consent of many of the consumers to the formation of a mutual water company, it is significant that those consumers who accepted defendants' proposals did so under duress and the threat of losing all water service, and it is also of importance to note that the intent to form a mutual water company was first disclosed to the public after water had been served, in some cases as far back as 1921, and after charges at the flat rate of $5 per month, without any hint of intent to be only a mutual concern, had been publicly made to all consumers. It is therefore apparent, in our opinion, that this water system is in fact a public utility water system, subject to the jurisdiction and regulation of this Commission.

In accordance with the practice of this Commission a public utility should present a bill for its service within thirty days after the service has been rendered, when the rates are based upon monthly charges.

It is apparent that fair and orderly conduct of utility affairs does not permit the collection of charges for water service prior to the establishment of a definite charge for such service and the giving of proper notice thereof to the consumers. In this case these consumers were not even notified until on or about the first of April, 1924, that thereafter a charge of five dollars per month would be made for all domestic service rendered. In fairness to the consumers this company should not charge for service rendered prior to the giving of said notice, and should refund all money collected from consumers for service rendered prior to April 1, 1924, either by cash or by credit upon the water bills for service rendered subsequent to said date.

ORDER.

The Railroad Commission of the State of California having instituted an investigation upon its own motion into the reasonableness of the rates, service, rules, regulations and practices of Miller and Lux, Incorporated, a corporation, for domestic water service to residents of a tract of land commonly known as the "Miller and Lux Colony," public hearings having been held thereon, the matter having been summitted, and it being the opinion of this Commission that the service here in question is a public utility service subject to its jurisdiction and control:

It is hereby found as a fact that the rates now charged by Miller

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and Lux for water supplied for domestic purposes to its consumers in the Miller and Lux Colony, located in the vicinity of Firebaugh and Mendota, in Fresno County, are just and reasonable rates to be charged for the service rendered.

And basing its order on the foregoing finding of fact and on the further statements of fact contained in the opinion which precedes this order;

It is hereby ordered:

1. That Miller and Lux, Incorporated, be and it is hereby authorized and directed to file with this Commission within twenty (20) days from the date of this order the following rates to be charged for all service rendered its consumers through its domestic water system in the said Miller and Lux Colony:

Flat Rate.

Domestic service	$5 00 per month

Metered Rate.

Domestic service:	
For all water delivered	$0 25 per 100 cu. ft. per month
Minimum	5 00 per month

Irrigation Service, Domestic System.

Flooding, per acre per irrigation	$5 00
Furrows, per acre per irrigation	4 00

2. That Miller and Lux, Incorporated, be and it is hereby directed to file with this Commission, for its approval, within thirty (30) days from the date of this order rules and regulations to govern its relations with its consumers under this system.

3. That Miller and Lux, Incorporated, be and it is hereby directed to refund to each and every consumer under this domestic water system all amounts, if any, collected from any such consumer for domestic water service rendered prior to April 1, 1924.

4. Refunds directed to be made herein shall be made commencing with domestic water bills rendered on or after April 1, 1926, and upon the basis of a credit to the extent of the total amount of the monthly water bills of such consumers entitled thereto, continuing thereafter until the full amount of the refunds shall have been made; provided, however, that no refund shall exceed the total amount of the refund to which any particular consumer is entitled, and provided, further, that in cases where consumers who are entitled to refunds are no longer consumers on this system, the full amount of such refunds shall be paid to such consumers in cash within thirty (30) days from the date of this order.

5. Within thirty (30) days from the date of this order Miller and Lux, Incorporated, shall file with this Commission a complete list setting forth the names and addresses of all consumers entitled to refunds under the terms of this order, and the amounts of refunds due each

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such consumer. Thereafter said Miller and Lux, Incorporated, shall submit to this Commission a monthly statement showing the amounts refunded to each of the consumers entitled thereto until such time as all refunds shall have been completed.

For all other purposes the effective date of this order shall be twenty-(20) days from and after the date hereof.

Dated at San Francisco, California, this twenty-ninth day of March, 1926.

DECISION NO. 16329.

IN THE MATTER OF THE INVESTIGATION, ON THE COMMISSION'S OWN MOTION, OF THE REASONABLENESS OF THE RATES, SERVICE, RULES, REGULATIONS AND PRACTICES OF THE SUBURBAN MUTUAL WATER COMPANY, A BUSINESS TRUST, IN THE SUPPLYING OF WATER FOR DOMESTIC USE WITHIN THE STATE OF CALIFORNIA.

Case No. 2074.

Decided March 30, 1926.

RATES—WATER UTILITY—COMMISSION'S INVESTIGATION.—Finding that Suburban Mutual Water System is not a mutual water company the Commission directs its officers to file rates and schedules.

Maurice C. Sparling, for Suburban Mutual Water Company.
Harry W. Powers, in propria persona.
John H. Harrington and *John E. Coryell*, on behalf of the West Hollywood Civic Body.

BY THE COMMISSION.

OPINION.

On the Commission's own motion, an investigation was ordered and conducted to determine whether the rates, services, charges, practices, rules or regulations or any of them of the Suburban Mutual Water Company, a business trust, in the furnishing of water for domestic use within the State of California, were unjust, unreasonable, discriminatory or preferential in any particular, and to determine the just, reasonable and sufficient rates, charges, services, practices, rules or regulations to be observed and enforced in connection with such service.

A public hearing was held upon the matter before Examiner Satterwhite in Los Angeles on January 21, 1925. Evidence, both oral and documentary, was received, the matter was submitted without briefs, and is now ready for decision.

It appears from the evidence submitted that one R. W. Sparling owns and conducts in the city of Los Angeles a business of manufacturing and selling power and pumping machinery and pipe systems. In a number of instances where a tract of land in the vicinity of Los Angeles was being subdivided and offered for sale to the public,

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negotiations were entered into between Sparling and the realty company handling the subdivision regarding the purchase of pipe mains and pumping equipment, the boring of wells, and the installation of a system necessary to serve the tract with water. As a result of these negotiations in each instance, a contract was entered into between Sparling and the particular realty company concerned, whereby the realty company agreed to purchase from Sparling all the necessary equipment, to have him drill the well and install the system complete with mains and pumping plant ready for service. This contract also provided that upon completion of the installation of the system Sparling would arrange to have either a mutual water company or a public utility water company formed to provide a continuous service of water on the tract, and that in return for this undertaking on his part, the realty company would convey to him the title to the entire system including the well and the lot upon which the pumping plant was constructed. Sparling testified that the original cost of the equipment was paid to his supply company by the subdivider, and that his interest in the construction and operation of the system was to provide a proper and equitable way for the subdivider to provide for a continuous water service upon his tract. He further testified that he made his profit in putting in the equipment and laying the pipe lines, and that he entered into these negotiations to increase his business of manufacturing and selling power and pumping equipment and installing systems and to make a profit out of the whole deal, including the furnishing of water.

The first of these contracts was entered into with reference to subdivision of a tract known as the "Colonia Moderna," near the town of Watts. The complete system was there sold and installed by Sparling and, pursuant to the terms of the contract above outlined, the entire system and the lot with the wells and pumping plant was then conveyed to Sparling. Sparling then executed an "Agreement and Declaration of Trust," whereby there was created the "Suburban Mutual Water Company, a business trust," with himself and four employees of his manufacturing business named as trustees. Contemporaneous with the execution of this trust agreement, Sparling leased the entire water system together with the well and the lot upon which was erected the pumping plant to himself and the four other trustees in trust for the use and benefit of the "Suburban Mutual Water Company," for the term of ten (10) years at a monthly rental of $125. Immediately following the execution of these two instruments the so-called "Suburban Mutual Water Company" applied to the State Corporation Commissioner for permission to sell at $10 each 2000 shares of the total of 5000 of its units and in due course a permit was issued to the five trustees carrying on the business under the

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fictitious name of "Suburban Mutual Water Company" to sell and issue 2000 units or certificates of beneficial interest at par.

Since the initial transaction at the Colonia Moderna Sparling has sold the equipment, bored the wells and installed complete water plants in five other subdivisions in the vicinity of Los Angeles, and in each instance the same procedure has been followed with respect to the conveyance of the systems to him by the particular realty company and the lease of the same by him to the above mentioned trustees in trust for the use and benefit of the "Suburban Mutual Water Company." At the present time, therefore, this so-called "Suburban Mutual Water Company" is serving water to six different tracts of land as follows: two at Norwalk, three at Watts, and one at Culver City. Each of these tracts is served by said company by means of an entirely separate and distinct well and water system, but the income derived from all systems as well as any and all other income of the company is pooled in a common fund called the "trust fund." The certificates of beneficial interest, above referred to, represent units of beneficial interest in this "trust fund." There is no segregation of the accounts of the several systems, nor is there any segregation of the members of the company with respect to the particular tracts or systems, all being simply unit holders in the common trust fund.

The principal question for determination by this Commission in this investigation is whether the so-called "Suburban Mutual Water Company" is in fact a mutual company or is engaged in a public utility business.

The "Agreement or Declaration of Trust" provides, among other things, that the principal business of the trust is "to acquire, develop, construct, perfect, maintain, manage and operate a system of wells, pumps, reservoirs, pipe lines and other works for the development, storage and disposition of water on or for use for irrigation, domestic, and all other lawful purposes; * * *" It vests in the trustees full, absolute and exclusive control over the acquisition, management and disposition of all the property of the trust or company without interference, vote or participation by the unit holders and it expressly declares that ownership of units in the company shall not entitle the unit holders to any title in or to the trust property whatsoever, nor the right for partition or division thereof or an accounting therefor. Paragraph 6 of this instrument provides:

"The trustees shall have *full* power at all times, to purchase, rent and/or acquire materials, machinery, power, supplies, and property of all kinds needed to establish, develop, operate, enlarge and in any respect complete the prosecution of the work and business of the trust; to acquire water and water rights and to deal with the same as fully as with any other property of the trust estate; to develop water reservoirs, build the same and all necessary adjuncts thereof, including distributing systems for irrigation, power or domestic purposes, to *sell*, license, lease and otherwise deal with and in the water accumulated, the reservoirs, ditches, flumes, conduits and all other parts and machinery, devices and property connected therewith;

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to appropriate water under such laws as may be established relating to the same and to use or *sell* the same as they may any of the property of this trust."

The trustees are also authorized to make, adopt, amend or repeal such by-laws, rules and regulations as they may deem necessary and to elect the officers of the trust or company from among themselves.

Although the declaration of trust declares that the trust or company is to be operated as a mutual water company for the use and benefit of its members only, and that it shall not engage in the general business of supplying water by sale or rental to the public or persons or corporations other than unit holders, and that it shall not be considered to be organized for profit or in any sense organized for public service—yet, in spite of all these declarations, it nowhere provides for supplying water to water users of each system at cost, but on the contrary provides, in paragraph one, that the "Trustees shall hold all of the funds and property * * * together with the rents, issues and profits therefrom," and authorizes them, in paragraph 5, "to charge, collect and receive a *reasonable compensation* for the management, contract and disposition of the said water to unit holders herein." This "reasonable compensation," it appears from the membership applications and the monthly service statements of the company, is fixed in advance at $1.25 per month, for each unit holder, regardless of the amount of water he uses or the system from which he receives it, or the actual cost of supplying it.

The unit holders have absolutely no voice or vote in the management of the company, nor in the selection of those who do manage or control it; yet the witness Sparling asserted that they are equally liable, by assessment, for the losses incurred on the system 15 miles away (or on any other of the five systems) in which they have no interest, and from which they derive no benefit, as they are for the losses which might occur on the system which supplies their lands. In short, they are, in legal effect, simply subscribers to the service of an organization formed for the purpose of supplying water to an indefinite number of tracts of land by means of an indefinite number of separate water systems—an organization which may, so far as the unit holders are concerned, engage in the furnishing of water in any or all sections of the state and according to the founder of the organization, may subject those unit holders to liability for the possible losses incurred in those extensions without any vote or approval from them upon the subject. We are of the opinion that this situation shows an utter lack of any mutuality among the various unit holders or between them and the five trustees who are, in fact, the company.

The legal recognition which has been extended to those corporations or associations organized solely for delivering water to their stockholders or members at cost, *i. e.*, the true mutual companies, has been

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but the natural development of the recognized right that inheres in any individual to acquire water to be used on his own land. It was early recognized by the courts that with such a right existing in the individual there could be no objection in law to several individuals associating themselves together in corporate form to acquire water to be used on their own lands. (*McFadden* vs. *Los Angeles*, 74 Cal. 571.) This principle was predicated upon the theory that, the water itself being owned by the several individuals, the corporation formed by them became simply their agent for the purpose of more conveniently diverting and distributing the water among themselves. And since they were the only contributors to the corporate funds, the only owners of the property, and the only persons to receive the benefits and share the burdens of the system, they were deemed to be the logical judges of the management and control of the company and the only proper persons to determine the rates they should pay to maintain and operate the system. It is upon this theory that the courts and the legislature have declared, in effect, that, the general public having no interest in the rates or service of such an organization, the ordinary regulatory bodies possess no jurisdiction over them.

When these principles are applied to the situation presented in this proceeding it becomes clear that this so-called "Suburban Mutual Water Company" is not in fact a mutual water company within either the letter or the spirit of section 2 of chapter 80, Statutes of 1913, or within the doctrine laid down in the *McFadden* case, *supra*, and the cases which follow it. None of the property of this trust or company—not even any property interest in the water or in the systems—belongs to the unit holders in any proportion or degree, for the declaration of trust expressly declares that ownership of the units shall not entitle the holder thereof to any title in or to the property whatsoever. No part or voice in the management or control of the trust or company inheres in the unit holders because the declaration of trust vests in the trustees the absolute and exclusive control of all affairs of the company, including the selection of officers and the fixing of salaries. In the matter of reasonableness of rates or adequacy of service, the unit holders also have no voice, but must depend entirely upon the trustees, who may change the by-laws, the declaration of trust, or any rule or regulation as they deem necessary, and who, with the exception of the defendant, Sparling, own no property in the tracts, receive no water from any of the systems, and apparently have no real interest in the trust or company except in a managerial or trustee capacity. Upon all matters relating to the affairs of the trust or company, of which the unit holders are alleged to be members, including the fixing of rates, the levying of assessments, improvements or extensions in the service, etc., the trustees are vested with supreme

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authority to the absolute exclusion of the unit holders. Obviously, there can be no mutuality in such a situation.

While the by-laws of this so-called mutual company state that the units and the water thereby represented are appurtenant to the lands for the benefit of which they are sold, they contain no provision limiting the proportion of water to be delivered to a unit holder or to a specific lot or parcel of land, and that the units and the water are not considered appurtenant to the lands is shown by the testimony of Sparling, who testified that ownership of a lot in the tract was not the measure of a person's right to water, but that "we do not care whether they are actually owners in the lots, they simply come in to us as water users." He further testified that in a few cases members had been taken into the company who were not even on the particular subdivision, but who were adjoining, where they could not otherwise get service.

It appears that the situation here presented, in reality, is one in which R. W. Sparling owns the fee to six separate and distinct water systems, which he has leased to the so-called "Suburban Mutual Water Company"; that trustees named by him (all of his own employ) under the trust created by him are controlling, operating, and managing these water systems for compensation; that from these water systems water is delivered and furnished for compensation to that portion of the public residing on these tracts. In other words, this group of five individuals is supplying water to approximately 1500 people located in widely separated sections of Los Angeles County without any regulation and without any voice or vote by those 1500 people as to the reasonableness of the rates, or the adequacy of the service. Under the broad powers vested in the trustees to change as they deem necessary the by-laws, the declaration of trust, and rules and regulations, the rates to be charged for this water could be fixed at an arbitrary figure and the users would be without redress.

From a careful consideration of all the evidence before it in this matter, the Commission is of the opinion that the so-called "Suburban Mutual Water Company, a business trust" is not in fact a mutual water company, but is being operated as a public utility as defined in the Public Utilities Act and in chapter 80, Statutes of 1913, and the same is hereby found to be a public utility.

It follows from the foregoing opinion that the Suburban Mutual Water Company has been and is at the present time operating contrary to law inasmuch as it has not heretofore filed with the Commission its schedule of rates and charges or rules and regulations as required by law, or otherwise submitted to the jurisdiction of the Railroad Commission.

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ORDER.

A public hearing having been held in the above entitled proceeding, evidence having been introduced, the matter having been duly submitted, and the Commission being now fully advised, and basing its order upon the findings and statements of fact as contained in the opinion preceding this order;

It is hereby ordered, that the Suburban Mutual Water Company within thirty days from the date of this order file with the Railroad Commission a schedule of its rates and charges, and a copy of its rules and regulations.

The effective date of this order is hereby fixed at twenty days from the date hereof.

Dated at San Francisco, California, this thirtieth day of March, 1926.

DECISION NO. 16335.

IN THE MATTER OF THE APPLICATION OF IMPERIAL VALLEY-LOS ANGELES EXPRESS, A COPARTNERSHIP, OWNED AND OPERATED BY F. M. HODGE AND J. D. KWIS, TO TRANSFER OPERATIVE RIGHTS AND EQUIPMENT TO IMPERIAL VALLEY-LOS ANGELES EXPRESS, A CORPORATION, AND OF IMPERIAL VALLEY-LOS ANGELES EXPRESS, A CORPORATION, TO ISSUE STOCK.

Application No. 12329.

Decided March 30, 1926.

TRANSFER—AUTO STAGES—STOCK—TO ISSUE.—F. M. Hodge and J. D. Kwis authorized to transfer operative rights and property of the copartnership, operating under the name of Imperial Valley-Los Angeles Express, to a corporation of the same name, and the latter is authorized to issue $40,000 of stock to pay for the same and to provide itself with working capital.

Devlin and Brookman, for Applicants.
R. T. Eddy, for Hemet Transfer and Storage Company, Intervener.

WHITSELL, *Commissioner*.

OPINION.

In this proceeding the Railroad Commission is asked to make an order authorizing F. M. Hodge and J. D. Kwis, copartners doing business under the firm name and style of Imperial Valley-Los Angeles Express, to transfer certain operative rights and assets to Imperial Valley-Los Angeles Express, a corporation, and authorizing the corporation to issue not exceeding $40,000 of its common capital stock to pay for such properties and to provide working capital.

The record shows that F. M. Hodge and J. D. Kwis are engaged in the transportation of express and freight by auto trucks, operating under authority granted by the Commission by Decision No. 14291,

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dated November 25, 1924, in Application No. 9630. This decision permits operations over and along the following routes:

From Los Angeles via the El Monte-Pomona highway to Ontario; thence via Valley boulevard via Bloomington and Colton to Redlands; thence over the State highway via Banning and Coachella to Westmoreland, Brawley, Imperial, El Centro and Calexico and via the El Centro-Holtville highway from El Centro to Holtville and within five miles on either side of said route between Westmoreland and Calexico and between El Centro and Holtville only.

It appears that during 1925, the first year of operation, the gross revenues of the business amounted to $138,816.43, the operating expenses to $133,114.19 and the net revenue to $5,702.24. The assets and liabilities as of February 28, 1926, are reported as follows:

Assets.		
Current assets:		
Cash on hand and in bank	$255 81	
Accounts receivable	10,897 09	
Other current assets	1,856 44	
		$13,009 34
Fixed assets:		
Trucks and autos, depreciated	$35,900 00	
Franchise	8,076 88	
Improvements, leased property	120 09	
Furniture and fixtures	22 50	
Miscellaneous	177 90	
		44,297 37
Prepayments		2,409 05
Total assets		$59,715 76
Liabilities.		
Notes payable	$3,785 95	
Contracts payable	10,902 50	
C. O. D.'s payable	785 96	
Advance charges	107 54	
Accounts payable	7,553 70	
Accruals	2,733 76	
		25,869 41
Balance		$33,846 35

The item of $35,900 for trucks and autos consists of the estimated present value of nine 3½-ton trucks and tractors, one Ford roadster, four 5-ton Utility trailers, two 7½-ton Utility trailers, two 3-ton Utility trailers, three 4-ton Newcomer trailers, one 10-ton Semi-Utility trailer, two 8-ton Semi-Utility trailers and one 5-ton assembled trailer. The equipment is reported to have cost originally the sum of $72,363.36.

The application shows that the copartners have decided to transfer their properties and business to a new corporation, Imperial Valley-Los Angeles Express, they have caused to be formed for the express purpose of receiving and operating them.

The articles of incorporation of Imperial Valley-Los Angeles Express show that it was organized on or about May 27, 1925, with an authorized capital stock of $100,000, divided into 1000 shares of common

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stock of the par value of $100 a share. The corporation now asks permission to issue $40,000 of its authorized stock. The order herein will authorize the issue of said stock and the delivery of $34,000 thereof in payment for the properties of F. M. Hodge and J. D. Kwis, subject to outstanding indebtedness referred to herein and the sale of the remaining $6,000 to provide working capital.

R. T. Eddy asked that the Commission consider in evidence F. M. Hodge's testimony in Application No. 11319 in so far as his testimony related to the value of Packard four wheel trucks. This has been done but I am of the opinion that the testimony in Application No. 11319 does not warrant a denial of applicants' request or any modification of such request.

I herewith submit the following form of order:

ORDER.

Application having been made to the Railroad Commission for an order authorizing the transfer of operative rights and equipment and the issue of stock, a public hearing having been held, and the Railroad Commission being of the opinion that the application should be granted as herein provided and that the money, property or labor to be procured or paid for by the issue of the $40,000 of stock applied for is reasonably required;

It is hereby ordered, that F. M. Hodge and J. D. Kwis, copartners doing business under the firm name and style of Imperial Valley-Los Angeles Express, be and they are hereby authorized to transfer to Imperial Valley-Los Angeles Express, a corporation, the operative rights heretofore granted them by Decision No. 14291, dated November 25, 1924, and the properties to which reference is made in the foregoing opinion.

It is hereby further ordered, that Imperial Valley-Los Angeles Express, a corporation, be and it is hereby authorized to issue on or before December 31, 1926, $40,000 of its capital stock and to deliver $34,000 thereof in part payment for the properties of F. M. Hodge and J. D. Kwis and to sell, at par, $6,000 thereof for the purpose of providing working capital.

The authority herein granted is subject to the following conditions:

(1) F. M. Hodge and J. D. Kwis shall cancel immediately all time schedules, tariffs, rates and classifications now on file with the Railroad Commission and Imperial Valley-Los Angeles Express, a corporation, shall file new time schedules, tariffs, rates and classifications identical with those heretofore filed by F. M. Hodge and J. D. Kwis, or adopt as its own the time schedules, tariffs, rates and classifications heretofore filed by F. M. Hodge and J. D. Kwis, such cancellation and filing to be in accordance with the provisions of General Order No. 51 and other regulations of this Commission.

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(2) Imperial Valley-Los Angeles Express, a corporation, hereafter shall not transfer, assign, lease, sell, hypothecate or discontinue the rights and privileges it is herein authorized to acquire unless it first receives the consent of the Railroad Commission.

(3) No vehicles may be operated by Imperial Valley-Los Angeles Express, a corporation, unless such vehicles are owned by such corporation or are leased by it on a basis satisfactory to this Commission.

(4) Imperial Valley-Los Angeles Express shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

(5) The authority herein granted shall become effective upon the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this thirtieth day of March, 1926.

DECISION No. 16336.

IN THE MATTER OF THE APPLICATION OF A. C. PYPER DOING BUSINESS UNDER THE FICTITIOUS NAME OF PACIFIC HIGHWAY EXPRESS FOR PERMISSION TO ESTABLISH THE SAME FREIGHT RATES AS WERE AUTHORIZED IN APPLICATION No. 11133 FILED BY THE CALIFORNIA HIGHWAY EXPRESS AND BEKINS FIREPROOF STORAGE FOR PERMISSION TO READJUST THEIR FREIGHT RATES BETWEEN SAN FRANCISCO AND LOS ANGELES.

Application No. 12417.

Decided March 30, 1926.

RATES—AUTO TRUCKS—TO ADJUST.—Application granted.

OPINION.

This is an application of Alex C. Pyper doing business under the fictitious name of Pacific Highway Express, with its principal place of business at Los Angeles, California, for permission to make the same adjustment in his freight rates as was authorized by the Commission in Application No. 11133, filed under the provisions of chapter 213, Statutes 1917, and Rule 11 of the Commission's General Order No. 51 for authority to readjust freight rates at points between Los Angeles, Oakland, San Francisco and the intermediate points.

Application No. 11133, *supra*, was a joint petition of Bekins Fireproof Storage, a copartnership, and California Highway Express, a corporation. This application was disposed of after a public hearing

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under Decision No. 15909, dated the twenty-ninth day of January, 1926, which authorized the applicants to establish freight rates, rules and regulations as set forth in Exhibit "A" and amended exhibits attached to and made a part of the application. The adjustment authorized resulted in some instances in increases in rates and in some instances, reductions, however, the reductions were prevalent.

Now comes Alex C. Pyper the applicant alleging that in Decision No. 10063, February 8, 1922, a restricted motor freight operative right as common carrier between Los Angeles, Oakland, San Francisco and Berkeley and some intermediate points was granted E. H. Shull and under the same decision the California Highway Express, a corporation, was granted a restricted motor freight operative right as common carrier between Los Angeles, Oakland and San Francisco and certain intermediate points. The Commission, in disposing of the applications of E. H. Shull and the California Highway Express, authorized the establishment of equal rates, which rates have been maintained on a parity by both common carriers.

Applicant further alleges that in Decision No. 13679, decided by this Commission June 11, 1924, E. H. Shull, then doing business under the fictitious name of the Pacific Highway Express, was permitted to transfer the operative rights granted under Decision No. 10063, *supra*, to Alex C. Pyper, said Pyper then continued the operation under the fictitious name of the Pacific Highway Express.

Upon consideration of all the facts of record, we are of the opinion and so find that a public hearing is not necessary and that the applicant, Alex C. Pyper, doing business under the fictitious name of the Pacific Highway Express, should be authorized to adjust his freight rates to the basis of those granted the California Highway Express and Bekins Fireproof Storage by this Commission in Decision No. 15507, *supra*. In authorizing this adjustment the Commission does not grant authority for any extension of existing operative right.

The tariff of the applicant is now in an unsatisfactory condition, failing in many respects to comply with this Commission's rules and regulations. Before the rate changes herein authorized will be permitted to become effective, applicant must present for the Commission's approval proof copy of new tariff.

ORDER.

It is hereby ordered, that Alex C. Pyper, operating under the fictitious name of Pacific Highway Express, be and he is hereby authorized to adjust his freight rates to the basis of those granted the California Highway Express and Bekins Fireproof Storage by this Commission in Decision No. 15507, *supra*.

Dated at San Francisco, California, this thirtieth day of March, 1926.

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DECISION NO. 16337.

IN THE MATTER OF THE APPLICATION OF AYRES-WHITESIDE TRANSPORTATION COMPANY, A COPARTNERSHIP, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE VESSELS FOR TRANSPORTATION AS A COMMON CARRIER OF FREIGHT, FOR COMPENSATION, BETWEEN POINTS ON THE INLAND WATERS OF THE STATE OF CALIFORNIA.

Application No. 12577.

Decided March 30, 1926.

CERTIFICATE—FREIGHT—VESSEL.—INLAND WATERS.—Application granted.

Gwyn H. Baker, for Applicant.
Sanborn and Rochl and DeLancey C. Smith, by *A. B. Rochl*, for Bay Cities Transportation Company.
H. W. Glensor and *H. L. Hoffman*, for Alameda Transportation Company.
E. H. Maggard, for Petaluma-Santa Rosa Railway Company.

BY THE COMMISSION.

OPINION.

This is an application filed under the provisions of paragraph (*d*), section 50, of the Public Utilities Act, by a copartnership consisting of Charles Ayres and John A. Whiteside, operating under the fictitious name of the Ayres-Whiteside Transportation Company, for a certificate of public convenience and necessity to operate vessels for the transportation of property between San Francisco, Oakland, Alameda (Encinal Terminals), West Berkeley, San Rafael and Sausalito on the one hand, and Suisun, Benicia, Crockett and intermediate points on the other hand, as described in the application and as amended. All of the points are located upon the inland waters of the State of California.

A public hearing was held before Examiner Geary March 24, 1926, at San Francisco and the matter having been duly heard and submitted is now ready for an opinion and order.

The applicant proposes to commence the service with a vessel having a registered tonnage of eighteen net tons and gas engines of 50-horsepower. The service proposed is new and different from any being rendered at the present time and will principally consist of the movement of small consignments between points where ordinary vessels can not operate, particularly between wharves and vessels in the streams, to Shipping Board boats anchored near Benicia, and to construction jobs at water points, especially near the Carquinez Straits, where operations must be conducted in shallow waters. This is also true of the service to be rendered at points adjacent to San Rafael, Sausalito, Suisun, Benicia, Crockett and Port Costa.

The rates proposed vary from $1 per ton to $1.50 per ton in lots of five tons or over, and from 7 cents to 17 cents per 100 pounds for shipments under five tons.

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The competing boat lines operating in the same general territory were represented by counsel at the hearing and withdrew all opposition to the granting of the application upon being apprised of the particular kind of traffic to be handled.

Upon this record, we are of the opinion and find as a fact that public convenience and necessity require the service as set forth in applicant's petition and that a certificate should be granted authorizing such service at the rates set forth in the application and as amended, subject to the following conditions:

That applicant shall file with this Commission within ten days from the date of this order a written acceptance of the conditions contained in the order, and shall commence operation within sixty days from the date of the order.

ORDER.

A public hearing having been held in the above entitled proceeding, the same having been duly submitted and now being ready for a decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by Charles Ayres and John A. Whiteside, operating under the fictitious name of the Ayres-Whiteside Transportation Company, of vessels for the transportation of property, for compensation, between San Francisco, Oakland, Alameda (Encinal Terminals), West Berkeley, San Rafael and Sausalito on the one hand, and Suisun, Benicia and Crockett and the intermediate points on the other hand, as more specially set forth in the application and as amended.

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted, subject to the following conditions:

Applicant shall file a written acceptance of the certificate herein granted within a period not to exceed ten days from the date hereof and shall file a tariff, according to the rules of this Commission, setting forth the rates, rules and regulations governing the transportation to be furnished, which shall be those set forth in the application and as amended, referred to in the foregoing opinion.

Applicant shall commence operation within sixty days from the date of this order.

Dated at San Francisco, California, this thirtieth day of March, 1926.

DECISION NO. 16339.

IN THE MATTER OF THE JOINT APPLICATION OF INTER-URBAN EXPRESS CORPORATION, A CORPORATION, DRAYAGE SERVICE CORPORATION, A CORPORATION, AND R. H. RASMUSSEN AND

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J. C. SVANE, DOING BUSINESS UNDER THE NAME AND STYLE OF SANTA FE EXPRESS AND DRAYAGE COMPANY, FOR PERMISSION FOR THE TRANSFER TO INTER-URBAN EXPRESS CORPORATION BY DRAYAGE SERVICE CORPORATION AND SANTA FE EXPRESS AND DRAYAGE COMPANY OF OPERATIVE RIGHTS AND PROPERTY IN RETURN FOR STOCK OF INTER-URBAN EXPRESS CORPORATION, AND FOR PERMISSION FOR INTER-URBAN EXPRESS CORPORATION TO OPERATE BETWEEN POINTS.

Application No. 12677.

Decided March 30, 1926.

CERTIFICATE—AUTO TRUCKS—TO TRANSFER—STOCK—TO ISSUE.—Drayage Service Corporation, and R. H. Rasmussen and J. C. Svane, operating under name of Santa Fe Express and Drayage Company, authorized to transfer their operative rights and properties to Inter-Urban Express Corporation. The latter corporation authorized to issue five shares of common stock to its directors for cash for the purpose of qualifying them as such. Authorization of the issuance of additional stock left to future orders upon proper showing to the Commission.

J. W. O'Neill and *Louis M. De Avila*, for Applicants.

BY THE COMMISSION.

OPINION.

In this proceeding the Railroad Commission is asked to make an order:

1. Authorizing Drayage Service Corporation, a corporation, and R. H. Rasmussen and J. C. Svane, doing business under the firm name and style of Santa Fe Express and Drayage Company, to transfer their operative rights and certain other properties described in applicants' Exhibit "A" and Exhibit "B" to Inter-Urban Express Corporation, a corporation; and

2. Releasing from the jurisdiction of the Railroad Commission all operating properties belonging to the Drayage Service Corporation and Santa Fe Express and Drayage Company after the sale of the properties described herein to the Inter-Urban Express Corporation; and

3. Authorizing Inter-Urban Express Corporation to issue $84,400 of stock in payment for the properties described in Exhibit "A" and Exhibit "B."

The operating right under which applicant Drayage Service Corporation is now operating, and which it is herein proposed to transfer, was established by Austin Freight and Transportation Company by reason of operation prior to May 1, 1917, and the proper filing of tariffs as required by the Railroad Commission's General Order No. 47. Drayage Service Corporation acquired the right by purchase, the Commission approving the transfer in its Decision No. 8533, dated January 11, 1921, and issued on Application No. 6472.

The operating right authorizing R. H. Rasmussen and J. C. Svane, copartners, to give service between San Francisco and Oakland,

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Berkeley, Alameda, Piedmont and Emeryville (the same points served by Drayage Service Corporation), and which they propose to transfer was granted by the Railroad Commission to the partners in its Decision No. 13091, dated January 28, 1924, and issued on Application No. 9360.

Originally, one C. D. Rasmussen, operating under the fictitious name of Santa Fe Express and Drayage Company, gave service between the points named under tariffs indicating that the service had been established by him prior to May 1, 1917. He also claimed ownership of a right to operate between Oakland and San Jose and intermediate points. The ownership of all of these rights, as well as a right between San Francisco and Martinez, was called into question by proceedings instituted by the Commission on its own motion, said proceedings being designated as Case No. 1880. In Decision No. 12140, dated May 25, 1923, issued as a result of its investigation, the Commission found that there had been gross misrepresentation by C. D. Rasmussen as to the ownership of the various operating rights involved as well as many violations of the law in the conduct of the business of the Santa Fe Express and Drayage Company, and ordered that all service by the company be discontinued.

The Commission further ordered that its previous decisions in matters affecting the ownership of the operating rights claimed by C. D. Rasmussen, R. H. Rasmussen, J. C. Svane and Fred Ludekins, be revoked and annulled, in effect wiping out all operating rights involved in the claims of C. D. Rasmussen. R. H. Rasmussen and J. C. Svane, copartners, then applied for a new certificate authorizing service as a common carrier of freight between San Francisco, Oakland, Alameda, Berkeley, Piedmont and Emeryville, and such a certificate, was issued by the Commission as shown by Decision No. 13091. This decision further authorized the partners to discontinue service between Oakland and San Jose, which they had been conducting under temporary authority issued by the Commission following revocation of the original rights claimed by C. D. Rasmussen. The same decision (No. 13091), authorized R. H. Rasmussen and J. C. Svane and Fred Ludekins to operate between San Francisco and Martinez, and also gave to Rasmussen and Svane authority to transfer to Ludekins their interest in this right. The instant application, then, involves only a right to operate between San Francisco, Oakland, Alameda, Berkeley, Piedmont and Emeryville, which right was granted in Decision No. 13091.

It is proposed to transfer the operative rights of both the Drayage Service Corporation and the Santa Fe Express and Drayage Company to the Inter-Urban Express Corporation. It is believed that such transfer is in the public interest and that the public will be benefited thereby through the fact that the consolidated company can render a

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better service than that given by the two present owners of the operative rights and that a substantial saving in operating expenses will be effected through the elimination of duplication in parallel routes as well as terminals and number of employees. There is no request to enlarge any operative rights. The request is to transfer the operative rights now owned by Drayage Service Corporation and Santa Fe Express and Drayage Company to Inter-Urban Express Corporation.

Exhibit "A" contains a list of the equipment and properties together with their alleged value which the Drayage Service Corporation intends to transfer to the Inter-Urban Express Corporation in exchange for $41,000 of stock. Exhibit "B" contains a list of the equipment and other properties and their alleged value which the Santa Fe Express and Drayage Company asks permission to transfer to the Inter-Urban Express Corporation in exchange for $43,300 of stock. The stock which the Inter-Urban Express Corporation asks permission to issue is equal in par value to the reported value of the properties which the Drayage Service Corporation and Santa Fe Express and Drayage Company ask permission to transfer to the corporation in exchange for stock. No value has been assigned to the operative rights.

We are of the opinion that the possible improvement of service and economies of operation warrant the transfer of the operative rights and properties. A public hearing is not necessary on that portion of the application involving the transfer of the operative rights. The order herein will authorize the transfer of the operative rights involved and the properties described in Exhibits "A" and "B" and the issue of five shares of stock by Inter-Urban Express Corporation to qualify as directors. The issue of additional stock in payment for the properties described in Exhibits "A" and "B" will be considered in a supplemental order, after a hearing has been had and applicants given an opportunity to submit competent evidence in support of the alleged value of the properties described in said Exhibits "A" and "B."

ORDER.

Drayage Service Corporation, a corporation, and R. H. Rasmussen and J. C. Svane, doing business under the firm name and style of Santa Fe Express and Drayage Company, having applied to the Railroad Commission for permission to transfer their operative rights and certain other properties to the Inter-Urban Express Corporation and said Inter-Urban Express Corporation having asked permission to acquire said rights and properties and to issue stock in payment therefore and the Commission having considered the request of applicants and being of the opinion that the transfer of the operative rights and properties and the issue by the Inter-Urban Express Corporation of sufficient stock to qualify its directors are matters on which a

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public hearing is not necessary and that this application should at this time be granted as provided in this order and a hearing had on the request to issue stock in payment for said properties;

It is hereby ordered, that the Drayage Service Corporation and R. H. Rasmussen and J. C. Svane, doing business under the firm name and style of Santa Fe Express and Drayage Company, be and they are hereby authorized to transfer to the Inter-Urban Express Corporation, a corporation, their operative rights referred to in the foregoing opinion and the properties described in applicants' Exhibits "A" and "B."

It is hereby further ordered, that the Inter-Urban Express Corporation be and it is hereby authorized to issue and sell to its directors at par for cash $500 par value (five shares) of its common stock and use the proceeds obtained from the sale of such stock for working capital.

The authority herein granted is subject to the following conditions:

1. Drayage Service Corporation and R. H. Rasmussen and J. C. Svane, doing business under the firm name and style of Santa Fe Express and Drayage Company, shall cancel immediately all time schedules, tariffs, rates and classifications now on file with the Railroad Commission and Inter-Urban Express Corporation shall file new time schedules, tariffs, rates and classifications identical with those heretofore filed by said Drayage Service Corporation and said R. H. Rasmussen and J. C. Svane, or Santa Fe Express and Drayage Company, such cancellation and filing to be in accordance with the provisions of General Order No. 51 and other regulations of this Commission.

2. Inter-Urban Express Corporation shall not hereafter transfer, assign, lease, sell, hypothecate or discontinue the rights and privileges it is herein authorized to acquire unless it first receives the consent of the Railroad Commission.

3. No vehicles may be operated by the Inter-Urban Express Corporation unless such vehicles are owned by said corporation or are leased by it on a basis satisfactory to this Commission.

4. Inter-Urban Express Corporation shall file a report with the Railroad Commission as required by the Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

5. The authority herein granted shall become effective upon the date hereof.

It is hereby further ordered, that concurrently with the effective date of the rates filed by Inter-Urban Express Corporation and the execution of the bills of sale filed as applicants' Exhibit "C" and Exhibit "D," Drayage Service Corporation and R. H. Rasmussen and J. C. Svane, doing business under the name and style of Santa Fe Express and Drayage Company, will be relieved from filing annual or

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other reports with the Railroad Commission and may discontinue the operation of trucks and other equipment for the transportation of freight and merchandise under the jurisdiction of the Railroad Commission.

Dated at San Francisco, California, this thirtieth day of March, 1926.

DECISION No. 16396.

IN THE MATTER OF THE APPLICATION OF THE COUNTY OF SANTA CRUZ (VIEWERS' PETITION) FOR AUTHORITY TO CONSTRUCT ROAD ACROSS THE TRACKS OF THE SOUTHERN PACIFIC COMPANY IN THE VICINITY OF APTOS.

Application No. 12074.

Decided April 2, 1926.

GRADE CROSSING—STEAM RAILROAD—SEPARATION OF GRADES.—Application granted for an undergrade crossing of the highway under the Southern Pacific railroad tracks, near Aptos. Expense of such crossing apportioned, 80 per cent to applicant, 20 per cent to carrier.

David C. Clark, for Applicant.
H. W. Hobbs, for Southern Pacific Company.
Harry J. Bias, for W. I. Morgan, the owner of the adjacent property.

BY THE COMMISSION.

OPINION.

In this application, which is filed in the form of a viewers' petition under section 2694 of the Political Code, the county of Santa Cruz requests permission to construct a public road across the tracks of Southern Pacific Company at a point approximately two miles north of Aptos. A public hearing was held in the rooms of board of supervisors in Santa Cruz on January 25, 1926, before Examiner Austin.

The crossing applied for is over a branch line track of Southern Pacific Company, which in a general way skirts the shores of Monterey Bay between the cities of Watsonville and Santa Cruz. At the point of the proposed crossing the railroad is about one-quarter of a mile from the bay and the tract of land lying between the railroad and the beach has been recently subdivided into a residence subdivision known as Sea Cliff Park. A considerable portion of this property has already been sold and at the time of the hearing in this matter thirty-five houses had been constructed on the tract. These houses are, for the most part, of substantial construction ranging in cost from $3,000 to $7,000 and the further development of this tract appears probable.

The main county road between Santa Cruz and Watsonville is approximately parallel to the railroad, a half mile to the north of the track, and the only means of access to the developed portion of Sea Cliff Park is across the track of Southern Pacific Company. At the present time there is one public road leading into this territory which

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crosses the track 3800 feet south of the proposed crossing. This road has been in existence for some 40 years and has been used by the public in reaching a beach which extends along the entire water frontage of the Sea Cliff property.

Leading westerly from a point near the beach terminus of this road to the proposed crossing and thence northerly to a connection with the main county road a thoroughfare, known as Sea Cliff drive, has been laid out and graded, thus forming a loop through Sea Cliff Park and permitting entrance from either end. This road at present utilizes an old farm crossing over the railroad track, the promoter of the subdivision retaining a flagman for the purpose of protecting the traffic and opening and closing the gates which Southern Pacific Company rightfully requires to be maintained at this crossing.

The county of Santa Cruz has tentatively agreed to take over, as a public thoroughfare, this road and has therefore applied to this Commission to construct a public crossing across the track of Southern Pacific Company.

Based upon the evidence produced at the hearing, there appears to be sufficient public necessity to warrant the opening of a crossing in this vicinity. Counts taken at the existing private crossing indicate a considerable traffic over this road. On a Sunday in the latter part of January 567 cars used this crossing during the hours between 8 a.m. and 5.30 p.m. and on Sundays during the summer season a heavier traffic is recorded. The crossing affords residents a more convenient means of reaching Santa Cruz, the county seat and nearest large town, than the existing public crossing. Also the drive through the new subdivision and along the cliff attracts many pleasure seekers. While much of the present traffic is probably temporary, due to the advertising and promotion of Sea Cliff Park, there is no doubt a permanent need for a public crossing in this vicinity.

The existing private grade crossing is, however, exceedingly dangerous. The approaches from each direction are at steep grades with the view obstructed by trees, fences and the railroad cuts and embankment. The track is on a sharp curve with grades descending in both directions toward the crossing. Twelve trains a day are scheduled over this branch and frequently, especially during the summer season, extra trains are operated. It is doubtful that even the most cautious driver can use the crossing with perfect assurance that he is not in danger. If a public crossing is opened at this point at grade, the hazard to the public using both the road and the railroad would be very great and the Commission is convinced that a grade crossing should not be permitted.

The county of Santa Cruz desires that the grades be separated and has presented a tentative plan whereby such separation can be econom-

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ically accomplished. At a point some 300 feet east of the private crossing the railroad crosses a ravine on a fill 12 feet in height and a subway can be constructed through this embankment at a cost estimated by the county engineer at $15,000.

The existing private crossing is maintained under an agreement, dated August 22, 1874, between John S. Ord, who was at that time the owner of the adjacent land, and the Santa Cruz Railroad Company, a predecessor of Southern Pacific Company. According to the terms of this agreement the railroad company agrees to provide a good and sufficient crossing for said John S. Ord over the railroad, with cattle guards and gates on each side. The question is now raised by the applicant in this proceeding as to whether or not the present admittedly hazardous crossing can be considered a "good and sufficient crossing." It is not the province of this Commission to pass upon the interpretation of this agreement; in our judgment the determination of the obligation of Southern Pacific Company in respect to the private crossing is a problem for the courts. Consequently, we express no opinion as to this matter.

It is, however, the duty of this Commission to determine the obligation of Southern Pacific Company to provide safe and adequate crossings for the public. This Commission has, on several occasions, pointed out that the construction of a line of railroad through a territory so divides it that a barrier to intercommunication between the separated portions is created. To restore, as nearly as practical, the same degree of accessibility which the public previously enjoyed, considerable expenditures are often necessary and it is not unreasonable to expect the utility, whose roadbed, tracks and trains create the barrier, to participate in these expenditures.

Southern Pacific Company offers no objection to the construction of a subway, excepting to urge a slight change in the location proposed by the county. It does, however, take the position that it should not participate in the expense, contending that the junior interest should bear the cost of crossings. It is true that in the case of grade crossings of new roads over railroad tracks it has been customary to assess the entire cost of constructing the crossing to the applicant but the expense of maintaining the crossing and such protection as the Commission considers necessary, is usually borne by the railroad.

If a public grade crossing were opened at the site of the existing private crossing, it is reasonable to assume that since the owner of the property has seen fit to provide protection in the form of a human flagman, the railroad company would be required to furnish like protection. From the standpoint of the railroad company, therefore, participation in the cost of this grade separation, which will do away for all time with the hazard of accident, and the necessity for protect-

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ing the public, should be preferable to the opening of a grade crossing and the expense of maintaining adequate protection. The opening of this crossing is, however, of material benefit to the owners of property in this subdivision and will, in effect, increase land values, which in turn are reflected in the taxable values of the county, a feature in which the railroad company does not have a direct interest. It is accordingly the judgment of the Commission that twenty (20) per cent of the cost of this subway should be borne by Southern Pacific Company and the remainder of the cost shall be borne by applicant.

ORDER.

The board of supervisors of Santa Cruz County, having filed with this Commission, under the provisions of section 2694 of the Political Code of California, a certified copy of a petition of freeholders of said county for the construction of a certain road, together with a certified copy of the order of the board of supervisors appointing viewers to view said road, which road crosses the track and right of way of Southern Pacific Company in the vicinity of Aptos, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision; therefore,

It is hereby found as a fact, that public convenience and necessity require the construction of a road crossing under the main track of the Santa Cruz Branch of Southern Pacific Company at or near engineers station 727 in the vicinity of Aptos; therefore,

It is hereby ordered, that permission and authority be and it is hereby granted to the board of supervisors of the county of Santa Cruz, State of California, to construct public road under the tracks of Southern Pacific Company at or near the above described point, said crossing to be constructed subject to the following conditions, namely:

(1) Said crossing shall be constructed approximately at the above described point, the specific location to be agreed upon between applicant and Southern Pacific Company.

(2) Said crossing shall be constructed with clearances conforming to provisions of the Commission's General Order No. 26-a.

(3) Detailed plans of said crossing, as agreed upon by applicant and Southern Pacific Company, shall be filed with this Commission and the approval of this Commission received before any work of constructing said crossing is undertaken.

(4) The cost of constructing said crossing (except paving of the highway) shall be borne twenty (20) per cent by Southern Pacific Company and eighty (80) per cent by the applicant.

(5) The cost of future maintenance of the superstructure of said crossing shall be borne by Southern Pacific Company.

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(6) The cost of future maintenance of the remainder of the structure shall be borne by applicant.

(7) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(8) If said crossing shall not have been installed within two years from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(9) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

This order shall become effective twenty (20) days after the making thereof.

Dated at San Francisco, California, this second day of April, 1926.

DECISION No. 16398.

IN THE MATTER OF THE APPLICATION OF EUCLID AVENUE WATER COMPANY FOR PERMISSION TO ADD TEN ACRES TO ITS WATER TERRITORY AND TO ISSUE ONE HUNDRED SHARES OF WATER STOCK.

Application No. 12663.
Decided April 2, 1926.

CERTIFICATE—WATER UTILITY—STOCK TO ISSUE.—Application granted.

J. E. Jardine, for Applicant.

BY THE COMMISSION.

OPINION AND ORDER.

Euclid Avenue Water Company, a corporation, asks permission to issue 100 shares (par value $1,000) of its common capital stock in part payment for a lot, well, pumping equipment and pipe line owned by the estate of E. Fleur, and extend its water system.

Applicant has an authorized stock issue of $25,000 divided into 2500 shares of the par value of $10 each. It is of record that stock in the amount of $16,170 is outstanding. The company admits that it is operating as a public utility, and its representatives stated that the reference in its petition to "water stock" is in error.

Applicant is engaged in developing and delivering water over a territory of about 160 acres. It asks permission to extend its system to cover an additional tract of approximately ten acres. This tract adjoins its water main on El Molino avenue and service to such tract can readily be given. It is of record that the ten-acre tract was here-

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tofore irrigated by means of water obtained from the well which applicant intends to acquire. The tract is being subdivided and those interested in its subdivision have asked applicant to extend its distributing system and furnish water to the residents of such tract.

A public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required by applicant and that this application should be granted; therefore,

It is hereby ordered, that the Euclid Avenue Water Company be and it is hereby authorized to issue and sell at not less than par on or before September 1, 1926, 100 shares of its common capital stock (par value $1,000), and use the proceeds obtained from the issue and sale of such stock to acquire the properties referred to herein and extend its distributing system so as to enable it to sell water to the residents on the ten-acre tract referred to herein.

It is hereby further ordered, that Euclid Avenue Water Company be and it is hereby authorized to supply water for domestic purposes to the residents of the ten-acre tract referred to herein.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that applicant shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that applicant shall file with the Railroad Commission within thirty days after acquiring the lot, well, pumping equipment and pipe line referred to herein, a certified copy of the deed under which it acquires and holds title to said properties.

Dated at San Francisco, California, this second day of April, 1926.

DECISION NO. 16408.

IN THE MATTER OF THE APPLICATION OF THE ARIZONA STORAGE AND DISTRIBUTING COMPANY, AN ARIZONA CORPORATION, FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY AUTHORIZING THE APPLICANT TO CARRY PASSENGERS AND BAGGAGE FOR HIRE BETWEEN SOUTHERN CALIFORNIA, ARIZONA AND TEXAS POINTS.

Application No. 9808.

IN THE MATTER OF THE APPLICATION OF BIBB AND BRIDGHAM FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE PASSENGER SERVICE BETWEEN SAN DIEGO AND EL PASO, TEXAS.

Application No. 9681.

IN THE MATTER OF THE APPLICATION OF PICKWICK STAGES, INC., A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE

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AND NECESSITY TO EXTEND AND OPERATE ITS AUTOMOBILE STAGE SERVICE AS A COMMON CARRIER OF PASSENGERS AND EXPRESS MATTER BETWEEN EL CENTRO, CALIFORNIA, AND THE YUMA BRIDGE ON THE CALIFORNIA-ARIZONA LINE JUST EAST OF YUMA, ARIZONA, VIA THE REGULARLY TRAVELED ROAD THROUGH HOLTVILLE, AND INTERMEDIATE POINTS.

Application No. 9561.

IN THE MATTER OF THE APPLICATION OF INTERSTATE STAGES, A COMMON LAW COMPANY, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A PASSENGER AND EXPRESS SERVICE BY AUTOMOBILE BETWEEN SAN DIEGO, CALIFORNIA, AND PHOENIX, ARIZONA.

Application No. 9758.

IN THE MATTER OF THE APPLICATION OF THE UNITED STAGES, INC., A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXTEND AND OPERATE ITS AUTOMOBILE STAGE SERVICE AS A COMMON CARRIER OF PASSENGERS AND EXPRESS MATTER BETWEEN EL CENTRO, CALIFORNIA, AND CALIFORNIA-ARIZONA STATE LINE AT COLORADO RIVER BRIDGE NEAR YUMA, ARIZONA, VIA STATE HIGHWAY THROUGH HOLTVILLE, GRAY'S WELL AND INTERMEDIATE POINTS.

Application No. 9783.

Decided April 5, 1926.

CERTIFICATE—AUTO STAGES—JURISDICTION.—Application of Arizona Storage and Distributing Company, Interstate Stages of Arizona, and Bibb and Bridgham to operate auto passenger service between Los Angeles and San Diego and Yuma, Arizona, and El Paso, Texas, dismissed for want of jurisdiction. Application of United Stages, Inc., to operate passenger and express service between El Centro and Yuma bridge and intermediate points, granted. Application of Pickwick Stages, Inc., denied.

T. G. McKesson, for Arizona Storage and Distributing Company, Applicant.
W. A. Sloan, for Bibb and Bridgham, Applicants.
Warren E. Libby and *N. C. Folsom*, for Pickwick Stages, Inc., Applicant.
H. J. Bischoff, for Interstate Stages, Applicant.
Harry W. Horton and *T. Morgan*, for United Stages, Inc., Applicant.
Richard T. Eddy, for A. B. Bland and Virgil N. Sams, Protestants.
H. H. Gogarty, F. W. Mielke and *F. E. Watson*, for Southern Pacific Company, Protestant.
E. T. Lucey, for Atchison, Topeka and Santa Fe Railway, Protestant.
F. B. Dorsey, for San Diego and Arizona Railway, Protestant.
T. A. Woods, for American Railway Express, Protestant.

BY THE COMMISSION.

OPINION.

The applications herein are based upon the establishment of an interstate service by auto stage and auto truck between El Paso in the state of Texas and San Diego and Los Angeles in the State of California either by direct route or by connecting with other operations in the states of Arizona, New Mexico and Texas.

Applicants the Arizona Storage and Distributing Company, Interstate Stages and the copartnership of Bibb and Bridgham propose a distinctively interstate service, while applicants United Stages, Inc.,

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and Pickwick Stages, Inc., merely propose to extend existing service between El Centro and Yuma bridge and intermediate points, all points being within the State of California, for the purpose of connecting with operators in Texas, New Mexico and Arizona.

Public hearings in these matters were conducted by Examiner Williams at Los Angeles, San Diego and El Centro, after which briefs were filed by the parties electing to do so, upon which the matters, according to stipulation of all parties, were consolidated and submitted for decision.

At the time these matters were submitted, this Commission had assumed and was exercising jurisdiction over operations by auto stage and auto truck of an interstate character. Accordingly, applicants and protestants produced a large mass of testimony as to necessity for such interstate operation, and especially as to the necessity of permitting such operations to traverse the public highways in California either for the purpose of reaching terminals or for the purpose of giving intermediate local service, as some of the applicants propose to do.

After the submission of these matters the United States Supreme Court rendered two decisions, each outlining and setting forth the extent of the jurisdiction vested in the respective states to regulate auto stage operators engaged in interstate commerce. The first was the decision of that court in *Buck* vs *Kuykendall,* director of public works of the state of Washington, 267 U. S. 307, 45 S. Ct. 324, 69 L. ed. 623, which was an appeal from a final decree of the federal court for western Washington dismissing an appeal brought to enjoin the enforcement of section 4 of chapter 111 of the Laws of Washington of 1921. That section prohibited any common carrier for hire from using the highways by auto vehicle between fixed termini or over a regular route without having first obtained from the director of public works a certificate declaring that public convenience and necessity required such operations. The highest court of that state construed the section as applying to common carriers engaged exclusively in interstate commerce. The main question on this appeal was whether this statute as construed and applied was consistent with the federal constitution and legislation of congress.

The power of the states was held to be limited to the adopting of appropriate regulations to promote safety upon the highways and conservation of their use where the indirect burden imposed upon interstate commerce is not unreasonable.

The court decided that the Washington statute was a regulation, not of this use of its highways, but of interstate commerce, and that this effect upon such commerce was not merely a burden, but to obstruct it. Such action was declared to be forbidden by the commerce clause of the federal constitution in that it invaded a field reserved

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by such clause for exclusive federal regulation. It was further held that action of this kind by a state operates to defeat the purpose of congress expressed in the legislation giving federal aid for the construction of interstate highways.

The second case was that of *Geo. W. Bush & Sons Co.* vs. *Maloy et al.*, Public Service Commission of Maryland, 267 U. S. 317, 45 S. Ct. 326, 69 L. ed. 627, which presented two features not present in the Buck case. The first was that the highways in question in this latter case were not constructed or improved by federal aid. The court held that this difference did not prevent the application of the rule declared in the Buck case. The second feature was that here the permit was refused by the state commission, not in obedience to a mandatory provision of the state statute, but in the exercise in a proper manner of the broad discretion vested in it. It was held that this difference was not of legal significance in this connection, the court saying:

> The state action in the Buck case was held to be unconstitutional, not because the statute prescribed an arbitrary test for the granting of permits, or because the Director of Public Works had exercised the power conferred arbitrarily or unreasonably, but because the statute as construed and applied invaded a field reserved by the commerce clause for federal regulation.

Under these decisions it is settled that a state is without power to regulate interstate commerce by auto stage and auto truck, except as to reasonable restrictions upon the use of the highways. The applications herein which seek certificates for interstate operations are thus found to be beyond the jurisdiction of this Commission, and we are, therefore, without power to grant or deny authority for the exercise of interstate operating privileges. In view of this fact, it is useless to discuss the testimony of applicants and protestants as to a need of any interstate service, and the applications of the Arizona Storage and Distributing Company, Interstate Stages of Arizona, and of the copartnership of Bibb and Bridgham, therefore, may be dismissed from further consideration, as these three applicants propose no service, except incidental to interstate service within the State of California. There is proof in the record that existing intrastate rail and auto services are adequate and efficient.

It is to be borne in mind, however, that the California legislature of 1925 passed an amendment to section 9 of chapter 213 of the act of 1917 (Auto Stage and Truck Transportation Act) which provides:

> Neither this act nor any provision thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress; ***provided, however***, that with reference to transportation companies operating solely in interstate commerce between any point or points within this state and any point or points in any other state or in any foreign nation, the railroad commission shall have the power to prescribe such reasonable, uniform and nondiscriminatory rules and regulations in the interest and aid of public health, security, safety, convenience and general

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welfare as shall in its opinion be required by public convenience and necessity. (Amended, Ch. 254, Stats. 1925, p. 433.)

Under this provision, interstate auto carriers will be required to comply with such rules and regulations as this Commission, under such authority, shall establish.

The subject matter before the Commission thus reduces itself to a determination of the method of establishing service between El Centro and Yuma bridge, which service is sought by applicants Pickwick Stages, Inc., and United Stages, Inc.

Subsequent to the submission of the instant applications, the Commission, by its Decision No. 13568, on Case No. 1972, revoked and annulled the operative rights previously possessed by A. B. Bland for an automobile passenger service between El Centro and Yuma bridge. Subsequently, also, the Commission by its Decision No. 13695, on Application No. 10164, authorized the transfer to United Stages, Inc., of the automobile passenger service of A. B. Bland between El Centro and Holtville. Continuously therefrom United Stages has furnished, pending determination herein, adequate service between El Centro and Yuma bridge.

In considering the two applicants for this service, we find that the record herein indicates that the largest volume of traffic from Arizona to California via Yuma is destined to the Los Angeles terminus, which is served by applicant United Stages. This fact seems to weigh in favor of United Stages as the applicant entitled to conduct this service for which the record shows necessity. In addition, the volume of traffic between termini is not sufficient to support two carriers.

It is our conclusion, therefore, that the application of the Arizona Storage and Distributing Company, Bibb and Bridgham and Interstate Stages of Arizona should be dismissed for want of jurisdiction.

We further find as a fact, upon the record herein, that public convenience and necessity require the establishment by United Stages, Inc., of automobile stage service for the transportation of passengers and express matter between El Centro and Yuma bridge and intermediate points, and that public convenience and necessity do not require the service between the same termini as proposed by applicant Pickwick Stages, Inc. An order will be so entered.

ORDER.

Arizona Storage and Distributing Company, Interstate Stages of Arizona and Bibb and Bridgham having made application to the Railroad Commission for certificates of public convenience and necessity to operate automobile passenger service between Los Angeles and San Diego and Yuma, Arizona, and El Paso, Texas, public hearings having been held, the matters having been duly submitted and now being ready for decision;

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It is hereby ordered, that said applications and each of them be dismissed for want of jurisdiction.

United Stages, Inc., and Pickwick Stages, Inc., having each made application to the Railroad Commission for a certificate of public convenience and necessity to operate passenger and express service between El Centro and Yuma bridge, and points intermediate, public hearings having been held, the matters having been duly submitted and now being ready for decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the establishment of passenger and express service as proposed by United Stages Inc., but not by Pickwick Stages, Inc., between El Centro and Yuma bridge, and intermediate points, over and along the following route: via State highway through Holtville and Gray's Well; and

It is hereby ordered, that a certificate of public convenience and necessity therefor be and the same hereby is granted, subject to the following conditions:

I. Applicant shall file with this Commission, within twenty days from date hereof, its written acceptance of the certificate herein granted as an extension and enlargement of its present operative rights, and not as a new or separate right.

II. Applicant shall file, in duplicate, time schedules and tariff of rates identical with those as set forth in exhibit attached to the application herein within a period of not to exceed twenty days from date hereof, and shall commence operation of the service herein authorized within a period of not to exceed thirty days from date hereof.

III. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.

IV. No vehicle may be operated by applicant under the authority hereby granted unless such vehicle is owned or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

It is hereby further ordered, that the application of Pickwick Stages, Inc., be and the same hereby is denied.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this fifth day of April, 1926.

DECISION NO. 16409.

IN THE MATTER OF THE APPLICATION OF SAN FRANCISCO PARLOR CAR TOURS, INC., OPERATING THE GRAY LINE MOTOR TOURS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

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TO OPERATE A PASSENGER SERVICE BETWEEN SAN FRANCISCO, CALIFORNIA, AND LOS ANGELES, CALIFORNIA.

Application No. 11729.

Decided April 5, 1926.

CERTIFICATE—AUTO STAGES—PARLOR CAR TOURS—PUBLIC NECESSITY.—Reaffirming its previous declaration that applicants must make an affirmative showing of public convenience and necessity in order to obtain a certificate to operate a proposed service, the Commission denies the application.

Blaine McGowan, for Applicant.
Derlin and Brookman, by *Douglas Brookman*, for California Parlor Car Tour Company, Protestant.
Warren E. Libby, for Pickwick Stages System, Protestant.
Earl A. Bagby, for California Transit Company, Protestant.
J. E. McCurdy, for Peninsular Rapid Transit Company and Pacific Auto Stages, Inc.

BY THE COMMISSION.

OPINION.

San Francisco Parlor Car Tours, Inc., a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile service for the transportation of passengers between San Francisco and Los Angeles, said service to be conducted on a schedule of one trip per week and as a three-day tour between the terminals, no service being contemplated for passengers between any intermediate points.

Public hearings on this application were conducted by Examiner Hanford at San Francisco, the matter was duly submitted and is now ready for decision.

Applicant proposes to operate a sightseeing trip between San Francisco and Los Angeles via the coast route with stops at Santa Cruz, Santa Cruz Big Trees, Mission San Carlos, Carmel, Mission Santa Cruz, Monterey, Del Monte, Paso Robles, San Luis Obispo, Santa Barbara and Ventura. It is proposed to operate initially one round trip per week on a schedule consuming three days and with overnight stops at Santa Barbara and Monterey. The one-way rate of fare proposed is $21 for adults and $10.50 for children from 5 to 12 years of age. Applicant proposes to use as equipment Pierce-Arrow automobiles of 21 or 27 passenger capacity, equipped with semiupholstered wicker armchairs for each passenger.

Applicant relies as justification for the granting of the desired certificate upon the following alleged facts: that a sufficient number of people desire transportation between San Francisco and Los Angeles of the character as proposed to warrant the establishment of the service; that the proposed service is the only one of its kind given or proposed to be given between Los Angeles and San Francisco; that the service proposed is the only all year and the cheapest service now given or proposed to be given between the proposed termini; and

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that the present facilities for transportation of the character sought to be installed by applicant are not adequate to meet the public demand or requirements.

Applicant is a corporation organized on February 21, 1925, under the laws of the State of California, and was authorized by the California Commissioner of Corporations on October 30, 1925, to issue three shares of its capital stock for the purpose of qualifying directors. The capital stock of the corporation is $50,000 divided into 5000 shares of the par value of $10 each.

Mr. Wm. J. Mulpeters, president of applicant corporation, testified that he had been engaged in the sightseeing business since May, 1914; that frequent inquiries had been brought to his attention requesting service as herein proposed, particularly for a service which would include the Big Trees of Santa Cruz, Santa Cruz proper, and the Monterey peninsula; that prospective patrons making inquiry for the type of service herein proposed preferred to meet their own incidental expenses for meals and overnight accommodations en route rather than to meet the alleged higher cost for such accessory charges now included in a three day trip at a rate inclusive of all expenses now available by a competing tour; and that prospective patrons do not favor the existing stage service for the reason that the side trips to Santa Cruz, its Big Trees, and Monterey Peninsula are not available and the trip through by stage is made on a schedule too fast for the enjoyment of persons desiring a sightseeing tour. Witness described the connection which applicant company would have with the "Association of Gray Line Owners" operating the "Gray Line Tours." It appears that the association would have no control over the proposed operation in any form other than that it would advertise the proposed service, if authorized, and would at its various agencies—particularly Los Angeles—sell the tickets of applicant.

Mr. J. F. Harned, a witness for applicant, testified that he was engaged in the sightseeing business in Los Angeles with offices in the Auditorium and Clark hotels; that he sold tickets for the Gray Line Tours and thereby came in close contact with the class of patrons proposed to be handled by applicant; that during the summer season he has averaged from fifteen to twenty inquiries for transportation to San Francisco which inquiries he has met by information as to service now rendered by authorized carriers, witness handling tickets of Pickwick Stages System and California Parlor Car Tours; that in his opinion approximately one per cent of the parties making inquiry purchase tickets and that the small percentage of inquirers purchasing tickets was due to the fact that the rates by authorized stage carriers were too high. The witness further testified that three-fourths of the parties making inquiry preferred to stop at points of their own selec-

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tion for meals and overnight accommodation. This witness sells tickets on a percentage basis for protestants, Pickwick Stages System and California Parlor Car Tours.

Mrs. J. F. Harned, a witness for applicant and associated with her husband in the sale of sightseeing and tourist tickets at Los Angeles, testified substantially as did the previous witness regarding inquiries received for a service as herein proposed.

Mr. Chas. Kronan, a witness for applicant and in the sightseeing business in San Francisco for fifteen years, testified as to his business contact with the traveling public and that during the summer season from five to seven inquiries are received daily for Los Angeles service; that his recommendation of the service of California Parlor Car Tours does not appeal to inquirers who complain that such carrier's rates are too high. This witness handles the tickets of Pickwick Stages System.

Mr. Heck Church, a witness for applicant and the mangager of Keystone and Federal hotels at San Francisco, testified as to his contact with the traveling and tourist public; that three or four inquiries per month are made to him for Los Angeles trips; and that parties inquiring do not want to pay the rate charged by the California Parlor Car Tours.

Mr. L. Silverstein, a witness for applicant and operating a sightseeing and information bureau in the Continental Hotel at San Francisco, testified that he received an average of ten inquiries per day for Los Angeles trips; that he informs the public of all available methods of transportation; that more than half of his inquiries are from persons who are interested only in the transportation charge. This witness sells tickets for applicant's local sightseeing trips in and about San Francisco on a commission basis and 75 per cent of his business is secured from such ticket sales. He also handles Pickwick Stages System tickets and knows of California Parlor Car Tours service.

Applicant amended its application agreeing to handle through service only between San Francisco and Los Angeles; to pick up and deliver passengers in Los Angeles in an area bounded on the west by Alvarado street, on the south by Washington boulevard, on the east by Central avenue, and on the north a distance of 1½ miles from the Clark Hotel; to pick up and deliver passengers from any point within the city of San Francisco; to defray all admission charges to missions visited en route; to route cars to include the 17-mile drive at Monterey; and to furnish taxi service without charge at Santa Cruz, Monterey and Santa Barbara to and from any hotel desired by patrons.

The granting of this application was protested by California Parlor Car Tour Company, Pickwick Stages System, California Transit

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Company, Peninsular Rapid Transit Company and Pacific Auto Stages, Inc.

No testimony was offered on behalf of protestant California Transit Company and the protest of Peninsular Rapid Transit Company and Pacific Auto Stages, Inc., was withdrawn upon the stipulation by applicant that no local business to or from points intermediate between San Francisco and Los Angeles would be accepted.

Mr. R. C. Smith, president of protestant, California Parlor Car Tour Company, testified that his company was operating a three day tour, all expenses included, between San Francisco and Los Angeles under the authority conferred by certificate issued by this Commission in its Decision No. 14436, on Application No. 10661, as decided January 8, 1925.

Operation of this authorized service was commenced with one car on November 18, 1924, since which time 131 trips had been made, handling a total of 929 passengers. Out of 2318 seats available on the foregoing trips 1389 were vacant. This witness described the efforts made to develop the business and the extensive advertising campaign that had been inaugurated. This protestant's service covers all expense of patrons for meals and overnight hotel stops during the three days tour, special rates being accorded the company at the Hotel Del Monte and by the hotels at Santa Barbara. No pick-up and delivery of patrons is made at San Francisco or Los Angeles. Many of its patrons are eastern and other tourists who already hold rail transportation between Los Angeles and San Francisco as a portion of their through tickets but who prefer to use the tours of protestant to more fully see the scenic beauties of the coast route trip. The witness claimed that this class of tourists are not seeking cheap meals or accommodations and that they prefer to have all details of meals and overnight accommodations arranged for them similar to the practice originally established by the Raymond and Whitcomb and similar high-class touring organizations. This protestant has heretofore conducted its operation at a loss but is beginning to increase its revenue by reason of response to its intensive advertising compaign. Witness claims that his company is financially able to enlarge its business to care for any increased volume of traffic and that it has had no complaint as to the character of service rendered nor any inquiry or demand for the class of service as proposed by applicant. An exhibit was presented consisting of questionnaire cards filled out by patrons of protestant's tours which express the patron's impression of the trip, the courtesy of employees and drivers, the character of meals and accommodations. An analysis of this exhibit shows a general commendation of the trip furnished and the incidental features related thereto.

Mr. John E. Boyd, secretary of California Parlor Car Tours,

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protestant, testified that he was located at San Francisco and cared for the business of his company at such terminal; that he had heard no demand for the character of service as proposed by applicant; and that his company was not yet on a profitable basis, having accumulated an operating deficit of approximately $12,000; in general his testimony was the same as that of the president of his company.

Mr. Warren E. Libby, secretary-treasurer of protestant Pickwick Stages System, testified that his company on September 15, 1925, had inaugurated a parlor car service between Los Angeles and San Francisco leaving each terminal at 7.30 a.m. and arriving at the other terminal at 9.40 p.m., 20-passenger cars being used in the service, the cars carrying a porter and being equipped with kitchen, toilets and lavatory. An excess fare of $3 over the regular tariff rate is assessed for the parlor car accommodation. Stopovers are permitted at San Jose, Salinas, San Luis Obispo and Santa Barbara. The total one-way fare for the parlor car service is $16.85, with round trip of $26.50. An exhibit filed shows this service to have been patronized since its inauguration as follows:

Month	*Southbound passengers*	*Passengers per trip*	*Northbound passengers*	*Passengers per trip*
Sept. 15th to 30th, inc.	207	12 15/16	185	11 9/16
October	316	10 6/31	307	9 28/31

The parlor car service is to be increased by the addition of new schedules when equipment now under construction is ready for service.

After full and careful consideration of all the evidence and exhibits in this proceeding we are of the opinion that applicant has not justified the granting of the desired certificate. There is no showing, other than by witnesses either directly connected with applicant company or, if the application is granted, to be employed on a commission basis in the sale of tickets, which is of the character necessary to establish public convenience and necessity. There is evidence, however, that at present all reasonable public demand is cared for by existing authorized operators who are financially able to continue the pioneering necessary to supply a regular and dependable high grade parlor car service. One of these protestants has, in good faith, incurred an operating loss of some $12,000 in development costs incidental to the building up of a reliable service. Another protestant has also recently established a reliable and high-grade parlor car service. Against these services no complaint exists and applicant has produced no evidence indicating that there is at present any lack of service, or as to rates which are unreasonable for the public. A choice of accommodations is now available and the public may select the class of accommodation best suited to its desire. The testimony shows no new business to be developed by the establishment of the proposed service and

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a division of the present available traffic will serve only to benefit the applicant's proposed service regarding which the showing as to necessity is vague and uncertain. The principal witness for applicant, its president, has no concrete plan or definite proposition to advance for the Commission's approval, the application having been amended by stipulation as often as an explanation as to the detailed service was at issue. The instant proceeding is typical of many similar applications which have been the subject of the Commission's attention and in which the desire of the applicant to engage in the transportation of passengers is the real basis upon which the Commission is asked to issue a certificate. We have repeatedly heretofore stated, and in this proceeding must reiterate, that a bona fide and affirmative showing of public convenience and necessity must be made of record before the Commission is authorized to issue its certificate. In this proceeding such showing has not been made, and therefore, the application must be denied.

ORDER.

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised:

The Railroad Commission of the State of California hereby declares that public convenience and necessity do not require the operation by San Francisco Parlor Car Tours, Inc., a corporation, of an automobile passenger service between San Francisco and Los Angeles; and

It is hereby ordered, that this application be and the same hereby is denied.

Dated at San Francisco, California, this fifth day of April, 1926.

DECISION No. 16410.

IN THE MATTER OF THE APPLICATION OF W. F. KIME FOR AN ORDER AUTHORIZING THE EXTENSION AND CONDUCTING A WATER SYSTEM.

Application No. 11734.

Decided April 5, 1926.

CERTIFICATE - WATER UTILITY—RATES—TO ESTABLISH.—Application granted.

John H. Bittner, for Applicant.

WHITSELL, *Commissioner.*

OPINION.

In the above entitled application W. F. Kime asks this Commission for a certificate of public convenience and necessity to operate a public utility water system in Tract No. 5775, known as Santa Fe Heights, in Los Angeles County.

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A public hearing in this matter was held in Los Angeles after all interested parties had been duly notified and given an opportunity to be present and be heard.

W. F. Kime owned certain property near the city of Artesia, in Los Angeles County, called Santa Fe Heights, which has been subdivided into lots for residential purposes. To aid the sale of these lots a water system was installed throughout the tract, water being obtained from a well by means of an automatic pump and pressure system.

In the petition filed by applicant the Commission was asked to establish a flat rate of $2 per month for each domestic consumer. This rate is somewhat higher than the rates charged by other small water utilities operating in the general vicinity under similar conditions. At the hearing applicant agreed to accept whatever schedule of rates the Commission considered reasonable and proper under the circumstances. Although a meter rate was not requested by applicant, a rate for measured service will be provided for in the order herein so that in the event conditions may require the installation of meters on this system it will be unnecessary for applicant to apply to the Commission for the establishment of a rate for such service.

The evidence is not conclusive as to the necessity for a franchise or permit from the county authorities. However, in case such franchise, permit or consent shall become necessary, this Commission upon application will issue by supplemental order such other certificate to operate as may then be required.

The testimony shows that there is no other public utility supplying water to this tract and none in the immediate vicinity available or willing to undertake such service. It appears therefore that the request of applicant should be granted.

ORDER.

W. F. Kime having made application as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed therein:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require that W. F. Kime operate a public utility for the purpose of supplying water for domestic and other purposes to consumers in Tract No. 5775, Los Angeles County.

It is hereby ordered, that W. F. Kime be and he is hereby directed to file with the Commission on or before twenty days from the date of this order the following schedule of rates to become effective for all water delivered to consumers subsequent to the date of the order herein:

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Monthly Flat Rates.

For each house of five rooms or less	$1 50
For each additional room	15
Additional for private barn with not more than one horse or cow	25
For each additional horse or cow	20
Sprinkling or irrigation of lawns, gardens or shrubbery, per square yard of surface actually irrigated	002

Monthly Meter Quantity Rates.

From 0 to 500 cubic feet, per 100 cubic feet	$0 25
From 500 to 1500 cubic feet, per 100 cubic feet	20
All over 1500 cubic feet, per 100 cubic feet	15

Monthly Minimum Meter Rates.

⅝" x ¾" meters	$1 50
¾" meters	1 75
1" meters	2 50
1½" meters	3 50
2" meters	5 00

It is hereby further ordered, that W. F. Kime be and he is hereby directed to file with this Commission on or before thirty days from the date of this order, rules and regulations to govern relations with his consumers, said rules and regulations to become effective upon their acceptance by the Commission.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this fifth day of April, 1926.

DECISION NO. 16411.

IN THE MATTER OF THE APPLICATION OF THE MOUNT LASSEN TRANSIT COMPANY, A CORPORATION, FOR AUTHORITY TO READJUST PASSENGER FARES AND EXPRESS RATES BETWEEN VARIOUS POINTS ON ITS SYSTEM.

Application No. 12389.

Decided April 5, 1926.

RATES—AUTO STAGES—TO ADJUST.—Application granted.

Harry A. Encell and *James A. Miller*, by *Harry A. Encell*, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by the Mount Lassen Transit Company, a corporation, requesting permission to readjust the passenger fares and the express rates between points on its entire system. It is set forth in the petition that the readjustment of rates and fares is not proposed for the purpose of increasing the present operating revenue,

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but is solely to provide a harmonious and adequate rate structure. The changes proposed reflect both increases and reductions in the present rates and fares.

A public hearing was held before Examiner Geary, March 19, 1926, at San Francisco and the case having been duly submitted is now ready for an opinion and order.

The operative rights of applicant are in the northeastern part of the state and extend from Red Bluff and Chico to Mineral, Lake Helen, Chester, Drakesbad, Westwood, Crescent Mills, Keddie, Susanville, Doyle and to the California-Nevada state line. These operations embrace approximately 400 miles of territory and are a consolidation of several individual rights acquired by applicant within the past two years. The original line of the Mount Lassen Transit Company extended from Red Bluff to Westwood and was secured from Walter Gosney on June 5, 1924, by authority of this Commission in Application No. 10062, Decision No. 13641, and later in Application No. 11007, Decision No. 15079, of June 25, 1925, applicant was granted a certificate to operate a local service from Mineral, north to Lake Helen. By subsequent orders of the Commission in Application No. 10948, Decision No. 14737, dated April 4, 1925; Applications Nos. 11069 and 11106, Decision No. 15129, dated July 3, 1925; Application No. 11671, Decision No. 15479, dated October 1, 1925, and Application No. 11737, Decision No. 15647, dated November 20, 1925, applicant secured by purchase, and was authorized to consolidate its rights with those of the Lawrence Stage Company, Scott Stage Company and the Lassen Transit Company, hereinafter referred to as the Lawrence line, the Scott line and the Lassen Transit, respectively. The Lawrence line extended from Keddie to Westwood, Susanville, Chester, Drakesbad, and paralleled the Mount Lassen Transit Company between Chester and Westwood. The Scott line served the territory extending from the California-Nevada state line to Susanville, Westwood and Crescent Mills, and from Doyle to Susanville and these operations paralleled the Lawrence line between Westwood and Susanville and between Westwood and Crescent Mills. The operative rights of the Lassen Transit embraced the territory between Chico and Chester, Juniper Lake, Westwood and Susanville and paralleled the Mount Lassen Transit Company between Chester and Westwood, the Lawrence line between Chester, Westwood and Susanville, and the Scott line between Susanville and Westwood. Thus before applicant acquired and consolidated the various operative rights there were three competing lines between Chester and Westwood and between Westwood and Susanville and two between Westwood and Crescent Mills.

The testimony indicates that the principal business of applicant is derived from the movement of labor from and to the lumber mills

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and construction projects in the vicinity of Susanville, Westwood, Chester, Drakesbad and Lake Almanor. Approximately ninety per cent of this traffic passes through four terminal points; namely, Crescent Mills, Keddie, Chico and Red Bluff. Rail connections are made with the Indian Valley Railroad at Crescent Mills, the Western Pacific Railroad at Keddie, the Southern Pacific Company at Chico and Red Bluff, and the Sacramento Northern Railroad at Chico. Prior to the consolidation each line operating in the competitive territory made strenuous efforts to secure the bulk of this traffic. Fares were reduced by tariff publication, but it is in evidence that as the competition grew keener fares were applied lower than those lawfully on file with the Commission. The fares of applicant between some points were higher than those of its competitors and the testimony indicates that even in the face of this fact it was able to secure the major portion of the traffic by reason of its superior operating equipment and by the rendering of a more satisfactory service. However, upon acquiring the operative rights of the competing lines applicant was also required to adopt the published tariffs and as a result assess different fares between the same common points on its own line for similar hauls.

This unsatisfactory situation applicant now seeks authority to remedy and proposes to place in effect an adequate rate and fare structure based upon the service rendered. The fares are not on a strict mileage basis, due to the diversified road conditions prevailing on the routes over which applicant traverses. The passenger fares proposed result in both increases and reductions, principally between points in the territory formerly served by the competing lines and for the most part they are the same as, or based on, the fares now in effect on applicant's original line. The express rates proposed are, in nearly all cases, lower than the present rates. However, there are some increases, but these are brought about primarily by the observance of the minimum charge of 50 cents now in effect on the line of the Mount Lassen Transit Company.

Due to the fact that none of the lines acquired by applicant had in the past kept records of the extent of travel it was impossible to submit any positive data as to the effect the proposed rates and fares would have on the operating revenue. However, a witness testified that a careful study of the proposed rate and fare structure indicated that the new rates and fares would not materially affect the total operating revenues.

Applicant now has joint passenger fares between points in the Sacramento Valley on the one hand and on the other, Susanville, Westwood and contiguous points in connection with the Western Pacific Railroad and Indian Valley Railroad via Crescent Mills, the Western Pacific Railroad via Keddie, the Southern Pacific Company and Sacra-

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mento Northern Railroad via Chico, and the Shasta Transit Company and the Southern Pacific Company via Red Bluff. These through fares are now the same via the four gateways and the record shows that no change is desired in this adjustment.

The Indian Valley Railroad filed a petition in intervention opposing the granting of this application upon the ground that satisfactory connections were not made at Crescent Mills for the interchange of passengers, thus depriving the intervener of a fair share of the through business. Prior to the hearing a satisfactory operating time schedule was perfected and the petition was withdrawn.

Upon consideration of all the facts of record we are of the opinion and find that applicant should be authorized to publish through passenger fares and express rates and to readjust its passenger fares and express rates as set forth in the application and that the application should be granted.

ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order;

It is hereby ordered, that applicant, Mount Lassen Transit Company, a corporation, be and it is hereby authorized to establish on ten days' notice to the Commission and to the public the passenger fares and express rates as set forth in Exhibits 1 and 2, and as amended, attached to and made a part of the application.

Dated at San Francisco, California, this fifth day of April, 1926.

DECISION NO. 16412.

IN THE MATTER OF THE APPLICATION OF THE CITY OF LOS ANGELES FOR AN ORDER GRANTING PERMISSION TO THE CITY OF LOS ANGELES TO CONSTRUCT A TEMPORARY RAILROAD TRACK IN ANAHEIM STREET ACROSS A CERTAIN TRACK OF THE PACIFIC ELECTRIC RAILWAY COMPANY, AT GRADE, AND DETERMINING AND PRESCRIBING THE MANNER AND THE TERMS OF INSTALLATION, OPERATION, MAINTENANCE, USE AND PROTECTION OF SUCH CROSSING.

Application No. 12517.

Decided April 5, 1926.

GRADE CROSSINGS—STEAM RAILROAD—TEMPORARY PERMIT.—City of Los Angeles authorized to construct temporarily a railroad track at grade across Anaheim road and at grade across the tracks of Pacific Electric Railway Company's San Pedro line. Uniformed police officer ordered stationed at said crossing to regulate traffic. Also to construct a railroad track at grade across tracks of the San Pedro line of Pacific Electric Railway at McFarland avenue and Anaheim road near Wilmington, in the city of Los Angeles.

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Clyde M. Leach for the City of Los Angeles.
E. W. Camp, for The Atchison, Topeka and Santa Fe Railway Company.
Frank Karr, for Pacific Electric Railway Company and for Southern Pacific Company.
F. B. Cole, for Greater Harbor Committee of 200.
Harry J. Bauer, of *Bauer, Wright and MacDonald*, for Greater Harbor Committee of 200.

DECOTO, *Commissioner*.

OPINION.

The crossing under consideration in this proceeding is identical with the one applied for in Application No. 9712 by the city of Los Angeles and granted, subject to certain conditions and as a temporary crossing, by the Commission in Decisions Nos. 13663 and 15121, dated June 9, 1924, and June 30, 1925, respectively. In the latter decision, it was provided that the board of harbor commissioners file with the Commission, within ninety days, a joint stipulation and agreement executed by the city and The Atchison, Topeka and Santa Fe Railway Company and its subsidiary, the Santa Fe and Los Angeles Harbor Railway Company, whereby the city was to agree to abolish said temporary crossing and remove its tracks from Anaheim road at the expiration of the term for which the temporary permit was granted, whereby the railway company and its subsidiary were to agree not to oppose directly or indirectly the removal of said tracks and the abolition of said crossings over Anaheim road at the expiration of the term for which this temporary permit was granted and wherein a satisfactory plan was to be included, whereby The Atchison, Topeka and Santa Fe Railway Company, or its subsidiary, the Santa Fe and Los Angeles Harbor Railway Company, were to continue to have access to the harbor district without crossing Anaheim road at grade and whereby the business developed by the railway company and its subsidiary were to be adequately taken care of thereafter.

Such a stipulation and agreement was not filed with the Commission within the ninety-day limit of the order, which expired on September 28, 1925.

The present application was filed on February 10, 1926, and a public hearing was held on February 23, 1926, at which time the matter was submitted. The application is accompanied by an agreement (Exhibit No. 2), entered into on February 3, 1926, between the city, by its board of harbor commissioners, and Santa Fe and Los Angeles Harbor Railway Company. This agreement, among other things, provides for permanent joint track connection between the existing tracks of said parties through and under the Dominguez Creek viaduct and for the construction and operation of a temporary connection between the tracks of said parties across Anaheim road at McFarland street, to be used only during the construction of said

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permanent joint track connection and to be removed upon the completion of said permanent connection.

Applicant requested that the record in Application No. 9712 be included by stipulation as a part of the record in the present proceeding. Counsel for Pacific Electric Railway Company objected to the inclusion of all of the record but agreed to the stipulation, if the question of the temporary crossing under consideration only were involved.

The agreement (Exhibit 2) attached to the application provides that the permanent joint line hereinbefore mentioned shall cross the tracks of the Southern Pacific Company and the tracks of the Pacific Electric Railway Company at grade at the points marked "W" and "Y," "X" and "Z," respectively, as shown on Exhibit "A," attached to said agreement. It is proposed to protect three of said crossings with interlockng plants, said crossing at "Y" with Southern Pacific's Long Beach line to remain unprotected. Counsel for Pacific Electric Railway Company and Southern Pacific Company stated that those companies would object strenuously to the proposed crossing of their lines at grade with the proposed permanent Santa Fe line to the harbor. However, the manner in which these crossings are to be made is a matter which is not before the Commission for action in this proceeding and will therefore not be discussed to any further length at this time.

The important thing to be considered at this time is that the Santa Fe, through its subsidiary, and the city, through its harbor board, have entered into an agreement and stipulation along the lines required by the Commission in its Decision No. 15121, and as the other conditions surrounding the entrance of the Santa Fe into the harbor remain unchanged, it appears that the application of the city in this proceeding should be granted, subject to certain conditions. Among the conditions attached to the granting of the former application of the city for this temporary crossing, were certain provisions requiring the installation of an interlocking plant, which was to include in its protection the junction of the Pacific Electric Railway Company's Wilmington-Long Beach line with its San Pedro line, and the installation of crossing gates for the protection of the highway traffic, the gates to be operated from the interlocking tower.

At the initial hearing in Application No. 9712, held May 10, 1924, Mr. Ludlow, then harbor engineer for the city, testified (pages 11 to 19 of reporter's transcript) that the board of harbor commissioners had always anticipated the installation of crossing gates at the proposed crossing and that the city was prepared to install whatever safety devices were ordered by this Commission and had anticipated that an interlocking system for protection of the railroad crossing would be

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required; that the money was available and that the fact that the municipal line was to be operated by the Pacific Electric did not alter the necessity for the interlocking plant. He further testified that the crossing gates should be operated from the tower.

Mr. C. K. Bowen, assisant engineer for the Pacific Electric Railway Company, testified at this hearing that the company deemed an interlocker desirable at this intersection; that the plan was available (Pacific Electric Exhibit 1); that the entire plant was estimated to cost $62,465, and that the Pacific Electric should be willing to stand a reasonable apportionment of the cost based on that portion of the plant devoted principally to the use of the Pacific Electric.

The chief engineer of the Santa Fe evidently considers an interlocking tower necessary to serve the crossing of the municipal and the Pacific Electric as he has the cost of such protection included in his estimate, (even if the connection with the harbor were to be made by a junction with the Pacific Electric tracks north of Anaheim road).

At the hearing on the present proceeding, held February 23, 1926, the harbor department of the city took the position that an interlocking tower was not warranted for this temporary crossing on account of the large expense involved. The city estimates its portion of the cost of an interlocker at $36,000 the total cost being $55,000 as compared to a cost of only $7,000 for the track connection. It is estimated that from two to four additional trains a day will be operated through this intersection in order to serve the Santa Fe, which traffic is now handled as part of Pacific Electric trains. Counsel for the city stated that the city was ready to install whatever reasonable protection this Commission might deem necessary.

The Pacific Electric has an operating agreement with the city whereby it handles and will continue to handle all trains and cars across Anaheim road, including those over the proposed temporary track. This agreement has been terminated as of July 1, 1926, by notice of the city and may or may not be renewed. It is not known at this time by whom the operation of these trains will be performed after that date.

Counsel for the Pacific Electric Railway Company stated that as long as all trains through this intersection were operated by one company, the Pacific Electric did not feel an interlocker was necessary, but if any outside operation were to be injected, that they would desire the interlocking plant installed as originally contemplated. The Pacific Electric operates approximately 150 passenger trains and 30 freight trains daily over this intersection.

It may be that the existing track situation at this location justifies the installation of an interlocking plant irrespective of the effect thereon of the construction of the temporary crossing proposed herein as a connection between the city's line and the Santa Fe, but the mere

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installation of this temporary crossing for a period not to exceed two years does not in itself appear to justify the installation of such an interlocker.

Before requiring the expenditure of approximately $60,000 it would appear appropriate to inquire as to how permanent the track arrangement is which makes necessary this form of protection. It may be that the proposal to later divert the Santa Fe traffic across Anaheim road through another route in the vicinity of Dominguez slough will point the way to substantial changes in the present Pacific Electric facilities at this location, in order to avoid the public grade crossing hazard of Pacific Electric now existing in this vicinity.

The present record does not throw any light upon future changes, if any, that may be contemplated in these Pacific Electric facilities. It therefore appears appropriate to accede to the city's request for the omission of interlocking protection at this crossing.

A determination of whether or not the Pacific Electric's track arrangement is sufficiently hazardous and permanent at this point to justify interlocking protection can best be reached by another proceeding, inquiring into that very feature and provisions requiring interlocking protection will therefore be omitted from the accompanying order. It appears reasonable to require, in lieu of such interlocking, that all trains be required to stop before passing over this crossing and the order will so provide.

The evidence shows that Anaheim road is one of the heaviest traveled streets in southern California and that its location presents more than the usual hazard on such heavily traveled arteries, on account of the occurrence of fogs. This is, therefore, a highway crossing which it will be difficult to overprotect and in view of this, it is recommended that there be provided, for the protection of highway traffic at this crossing a uniformed traffic officer between the hours of 7 a.m. to 8 p.m. daily. The cost of maintaining this uniformed traffic officer should be divided equally between the city and the Pacific Electric Railway Company until such time as the city's track herein proposed shall be removed and thereafter the entire cost of maintaing the traffic officer shall be borne by the Pacific Electric Railway Company.

The following form of order is recommended:

ORDER.

City of Los Angeles, having made application to this Commission, through its board of harbor commissioners, for an order granting permission to construct temporarily a railroad track at grade across Anaheim road and at grade across certain tracks of the Pacific Electric Railway company's San Pedro line, as shown in red on the map (6506-A) attached to the application, public hearing having been held,

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the Commission being apprised of the facts, the matter being under submission and ready for decision:

It is hereby found as a fact that public convenience and necessity require the establishment of temporary crossings at grade at the points applied for in this application and hereinbefore mentioned, pending the construction of permanent lines of railroad to the viaduct now under construction at Dominguez Creek and Anaheim road, as agreed to between the city, by the board of harbor commissioners, and the Santa Fe and Los Angeles Harbor Railway Company on the third day of February, 1926 (Exhibit No. 2); therefore,

It is hereby ordered, that permission be and it is hereby temporarily granted to the city of Los Angeles, county of Los Angeles, State of California, to construct and maintain a railroad track at grade across Anaheim road, as shown on the map (6506-A) attached to the application, such crossing to be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed substantially in accordance with Standard No. 4, in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding two per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Said crossing of Anaheim road shall be protected by the stationing thereat of a uniformed police officer in control of all traffic at the crossing during the hours of 7 a.m. to 8 p.m. daily, except Sundays and holidays and during the hours of 8 a.m. to 11 p.m. on Sundays and holidays. Cost of such officer or officers shall be divided equally between applicant and Pacific Electric Railway Company.

(4) Applicant, shall, within thirty days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) The authorization herein granted for the installation of said crossing shall lapse and become void two years from the date of this order whereupon said crossing shall be abolished.

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(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission, if, in its judgment, the public convenience and necessity demand such action.

It is hereby further ordered, that permission be and it is hereby granted to the city of Los Angeles to temporarily construct a railroad track at grade across the tracks of the San Pedro line of the Pacific Electric Railway Company at McFarland avenue and Anaheim road near Wilmington, in the city of Los Angeles, county of Los Angeles, State of California, as shown in red on the map (6506-A) attached to the application, said crossings to be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossings together with the cost of their maintenance thereafter in good and first-class condition shall be borne by applicant.

(2) All trains, motors, engines and cars of applicant shall stop before crossing the tracks of Pacific Electric Railway and shall not proceed thereover until the conductor or other competent employee has gone upon the crossing to ascertain that it is safe so to do and shall have given a suitable signal to proceed.

(3) All trains, motors, engines or cars of Pacific Electric Railway shall stop before crossing the tracks of applicant and shall not proceed thereover until the conductor or other competent employee has gone upon the crossing to ascertain if it is safe so to do and shall have given a suitable signal to proceed.

(4) The authorization herein granted for the installation of said crossings shall lapse and become void two years from the date of this order whereupon said crossings shall be abolished.

(5) The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper and to revoke its permission, if, in its judgment, the public convenience and necessity demand such action.

The foregoing opinion and order shall not be construed in any manner whatsoever as an approval or disapproval by this Commission of any crossings to be installed on the permanent line of the Santa Fe and Los Angeles Harbor Railway Company via the Dominguez Creek viaduct, described in the agreement (Exhibit No. 2) attached to the application.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

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This order shall become effective twenty days after the making thereof.

Dated at San Francisco, California, this fifth day of April, 1926.

DECISION NO. 16414.

BAILIES G. WALKER

vs.

VIRGIL N. SAMS.

Case No. 2090.

Decided April 5, 1926.

JURISDICTION AUTO STAGES- INTERSTATE OPERATION.—Complaint dismissed for lack of jurisdiction.

Harry W. Horton, for Complainant.
Timmons and Hoover, by *W. F. Timmons*, for Defendant.

BY THE COMMISSION.

OPINION.

This is a complaint directed against the defendant, Virgil N. Sams, alleging that said defendant is engaged in the operation of an auto stage line between points in Arizona and points in California; that the said defendant is conducting such operations unlawfully in that he has not obtained a certificate of public convenience and necessity from this Commission to engage in the same, and praying for an order of the Railroad Commission requiring defendant to cease and desist from such operations unless and until a certificate therefor is obtained from this Commission.

A public hearing was held in this matter before Examiner Williams at El Centro, California, at which time a stipulation was entered into by and between the parties to the effect that the defendant had not been conducting an intrastate business in the states of Arizona or California, and that his operations have been, and will continue to be, of persons and property exclusively between Arizona and California.

It was determined by this Commission in Decision No. 16408, on Applications numbered 9808, 9681, 9561, 9758 and 9783, dated April 5, 1926, that this Commission has no jurisdiction over operations exclusively of an interstate character except as to reasonable restrictions upon the use of the highways in this state with respect to safety upon and conservation of the same. Upon the authority of that decision this complaint should be dismissed. An order will be entered accordingly.

It is to be borne in mind that the California legislature of 1925 passed an amendment to section 9 of chapter 213 of the act of 1917 (Auto Stage and Truck Transportation Act), which provides:

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Neither this act nor any provision thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress; *provided, however*, that with reference to transportation companies operating solely in interstate commerce between any point or points within this state and any point or points in any other state or in any foreign nation, the railroad commission shall have the power to prescribe such reasonable, uniform and nondiscriminatory rules and regulations in the interest and aid of public health, security, safety, convenience and general welfare as shall in its opinion be required by public convenience and necessity.

Under this provision, interstate auto carriers will be required to comply with such rules and regulations as this Commission, under such authority, shall establish.

ORDER.

Bailies G. Walker having made complaint against Virgil N. Sams, as above entitled, a public hearing having been held thereon, the matter having been duly submitted by the parties upon stipulation of facts, and the Commission being now fully advised;

It is hereby ordered, that the complaint herein be and the same is hereby dismissed for want of jurisdiction.

Dated at San Francisco, California, this fifth day of April, 1926.

DECISION No. 16422.

IN THE MATTER OF THE APPLICATION OF HERMOSA-REDONDO WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUANCE OF BONDS AND STOCKS, AND FOR A MODIFICATION OF THE PREVIOUS ORDERS OF THE COMMISSION IN DECISIONS No. 12963 AND No. 13120.

Application No. 12622.

Decided April 6, 1926.

SECURITIES—TO ISSUE—BONDS—STOCK.—Application granted.

Bacigalupi and Elkus, by *Charles De Y. Elkus*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application, as amended, Hermosa-Redondo Water Company asks permission to issue and sell $50,000 of its Series "A" first mortgage 6½ per cent bonds, due 1953, $37,000 of its 7 per cent preferred stock and $26,500 of its common stock for the purpose of reimbursing its treasury and of financing the cost of additions and improvements to its plants and properties.

The company further asks the Commission to modify its former decisions No. 12963 and No. 13120, in Application No. 9528, so as to authorize the use of the proceeds received through the issue and sale of the bonds authorized therein for purposes different from those specified in said decisions.

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Hermosa-Redondo Water Company was organized on or about April 9, 1923, primarily for the purpose of acquiring and consolidating the properties of Hermosa Beach Water Corporation and of Redondo Water Company. By Decision No. 12963, dated December 28, 1923, as amended by Decision No. 13120, dated February 5, 1924, the Commission authorized Hermosa Beach Water Corporation and Redondo Water Company to sell their properties, free and clear of all encumbrances, to applicant, and authorized applicant to purchase such properties and to issue and deliver in payment therefor $140,000 of common stock and $50,000 of preferred stock and $222,000 in cash, such cash payment to be adjusted because of property retired or additions and betterments installed and because of consumers' deposits received or to be returned. The orders also permitted applicant to execute a deed of trust and to issue and sell, at not less than 94 per cent of their face value and accrued interest, $350,000 of Series "A" first mortgage 6½ per cent bonds due December 1, 1953, and to use the proceeds, $329,000, for the following purposes:

For organization expenses		$5,000 00
For part payment of properties:		
Hermosa Beach Water Corporation	$107,000 00	
Redondo Water Company	115,000 00	
		222,000 00
For improvements, additions and betterments, approximately		102,000 00
Total		$329,000 00

The improvements, additions and betterments to be financed in part with the $102,000, of bond proceeds, were described in the former application as follows:

500,000 gallon concrete reservoir	$14,524 00
Cast iron pipe, 4, 6, 8, 10 and 12 inch	53,811 00
Riveted steel pipe, 4, 8, 10 and 12 inch	41,558 00
Automatic booster pumping plant	3,000 00
Services and meters	10,000 00
Office equipment	1,000 00
Total	$123,896 00

The record in the former proceeding shows that applicant's agreement with Redondo Water Company, covering the purchase of the properties, was dated June 30, 1923, and with Hermosa Beach Water Corporation, September 1, 1923, but that the actual transfers took place on January 1, 1924, and March 1, 1924, respectively. It now appears that prior to the transfers Redondo Water Company expended $11,306.61 for improvements, additions and betterments and Hermosa Beach Water Corporation $1,878.45, the two amounts totaling $13,185.06 which was added to the cash consideration paid by applicant. Because of this adjustment and because it was found desirable and necessary to reduce the amount of proceeds to be used for additions, to defer certain of the proposed expenditures of $123,896

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described above, and to substitute other expenditures, applicant modified its program for the expenditure of its bond proceeds and found it necessary and more advantageous to use $222,000 of the proceeds to pay for the properties of the two companies, $5,000 to pay organization expenses, $13,185.06 to pay for additions made by the two predecessor companies and the balance, about $89,000, to pay for improvements, additions and betterments, described in this application as follows:

Cast iron pipe, 4, 6, 8, 10 and 12 inch	$65,800 00
Automatic booster pumping plant	2,640 00
Steel tank at Redondo	5,330 00
Services and meters	11,330 00
General office equipment	970 00
Purification system	200 00
Standard screw pipe	2,570 00
Total	$88,840 00

Because the company has thus found it necessary to follow a program somewhat different from that originally reported, it asks the Commission to make an order approving the use of the bond proceeds for these modified purposes. The Commission has given consideration to this request and will enter an appropriate order.

Coming to the request of the company to issue additional securities, it appears that applicant proposes to sell the $50,000 of bonds at 95 per cent of face value, the $37,000 of preferred stock at 91 and the $26,500 of common stock at 85, and to use the proceeds, estimated at $103,695, to finance the estimated cost of improvements and additions of $30,300 and to reimburse its treasury to the extent of $73,395 for expenditures previously made for construction.

The estimated expenditures of $30,300 are said to be necessary to enable applicant to render adequate service and are reported to consist of the following:

Completion of ten-inch main on Pearl street	$800 00
Additional outlet at Redondo reservoir	3,000 00
Additional connecting pipe lines between Redondo and Hermosa tanks	6,500 00
Pumping plant at Redondo Villa	9,500 00
Additional meters and services	3,500 00
Additional mains	7,000 00
Total	$30,300 00

The expenditures of $73,395, for which applicant seeks to reimburse its treasury, were made during the period from January 1, 1924, to October 31, 1925. During this period the company reports expenditures for improvements, additions and betterments of $178,334.38 of which $88,939.94, as shown above, was obtained through the issue and sale of the bonds authorized by former decision and $89,394.44 from other sources.

The $89,394.44 was obtained from advances by consumers from earnings represented by the reserve for accrued depreciation or other

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reserves, through incurring current indebtedness and from earnings represented by corporate surplus unappropriated. An analysis of applicant's financial statements on file with the Commission leads us to believe that applicant should be permitted to use the proceeds from the sale of net exceeding $35,000 of stock to reimburse its treasury on account of surplus earnings invested in property. The proceeds from the sale of the remainder of the stock herein authorized to be issued and sold may be used to pay indebtedness or reimburse applicant's reserves provided that such proceeds as are used to reimburse applicant's reserves be expended for the payment of indebtedness, the replacement of properties or the construction of new properties.

ORDER.

Hermosa-Redondo Water Company having applied to the Railroad Commission for permission to issue stock and bonds, a public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Hermosa-Redondo Water Company be and it is hereby authorized to issue and sell on or before December 1, 1926, $50,000 of its Series "A" first mortgage 6½ per cent bonds due December 1, 1953, at not less than 95 per cent of face value plus accrued interest; $37,000 of its preferred stock at not less than 91 per cent of par value and $26,500 of common stock at not less than 85 per cent of par value.

The authority herein granted is subject to the following conditions:

1. Applicant shall use the proceeds received from the sale of the $50,000 of bonds, other than accrued interest, to pay the cost, estimated at $30,300 of the improvements referred to in the preceding opinion and to pay indebtedness incurred on account of extensions, additions and betterments to applicant's properties prior to October 31, 1925. The accrued interest may be used for general corporate purposes.

2. Applicant may use the proceeds from the sale of not exceeding $35,000 of the stock herein authorized to be issued to reimburse its treasury on account of surplus earnings invested in property. The remainder of the proceeds obtained from the sale of the stock herein authorized to be issued shall be used by applicant to pay indebtedness or to reimburse applicant's reserves provided that the proceeds used to reimburse applicant's reserves be thereafter used to pay indebtedness or to pay the cost of replacing applicant's properties or to pay

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the cost of extensions, additions and betterments to applicant's properties.

3. Applicant shall keep such record of the issue, sale and delivery of the stock and bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

4. The authority herein granted to issue bonds shall become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is fifty dollars. The authority herein granted to issue stock shall become effective upon the date hereof.

It is hereby further ordered, that the order in Decision No. 12963, dated December 28, 1923, and Decision No. 13120, dated February 5, 1924, be and they are hereby modified so as to permit Hermosa-Redondo Water Company to use the proceeds received from the sale of the $350,000 of bonds, the issue of which was authorized by said decisions, for the purposes described in the foregoing opinion.

Dated at San Francisco, California, this sixth day of April ,1926.

Decision No. 16424.

IN THE MATTER OF THE APPLICATION OF COACHELLA VALLEY HOME TELEPHONE AND TELEGRAPH COMPANY, A CORPORATION, FOR AUTHORITY TO PLACE IN EFFECT CERTAIN CHARGES.

Application No. 12694.

Decided April 6, 1926.

RATES—RULES AND REGULATIONS—TELEPHONE UTILITY—MOVES AND CHANGES.—Uniform charges for moves and changes of equipment established.

BY THE COMMISSION.

ORDER.

Whereas, the Coachella Valley Home Telephone and Telegraph Company having filed an application with this Commission requesting authority to file and place in effect certain rules and regulations relative to charges for moves and changes of telephone apparatus; and,

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations, and it appearing that applicant's request is reasonable and that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that the Coachella Valley Home Telephone and

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Telegraph Company be and it is hereby authorized to file with this Commission effective May 1, 1926, the following rules and regulations:

1. *Moves and Changes.*

Moves and changes of telephone apparatus and wiring on the subscribers' premises, at the request of the subscriber will be made by the company, and the charges for such work will be as follows:

A. Telephone sets.

1. Moving from one location to another..... $3 00
2. Change in type or style..... 3 00

C. Other equipment and wiring.

Charges for moving or changing of equipment or wiring other than that included under A above will be an amount equal to the actual cost of labor and material involved.

D. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the Telephone Company and required for the proper maintenance of the equipment or service.

E. Change in class of service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478 except as modified in section 1 above, and as may be approved by this Commission.

Provided said rules and regulations be filed with this Commission on or before April 30, 1926.

Dated at San Francisco, California, this sixth day of April, 1926.

DECISION NO. 16425.

IN THE MATTER OF THE APPLICATION OF UNITED PARCEL SERVICE OF LOS ANGELES, INCORPORATED, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY EXTENDING THE TERRITORY IN WHICH IT IS PERMITTED TO OPERATE.

Application No. 11122.

Decided April 7, 1926.

CERTIFICATE—AUTO TRUCKS—PARCEL SERVICE—TO EXTEND.—Application granted.

Devlin and Brookman, by *Douglas Brookman*, for Applicant.

Harry N. Blair and *Charles H. Tribit, Jr.*, for Orange County Triangle Express, Richards Trucking and Warehouse Company, Los Angeles-Downey Express, Service Motor Express, San Fernando Haulage Company, Richardson Transportation Company, Independent Truck Company, Vance Truck Line, Orange County Fast Freight, Burbank Transfer Company and Griffiths Transfer, Protestants.

Harry N. Blair, for Keystone Express, Protestant.

T. A. Woods, for American Railway Express Company, Protestant.

H. W. Kidd and *W. O. Schell*, for Motor Transit Company, Protestant.

Geo. W. Reid, for Merchants Association of Anaheim, Protestant.

BY THE COMMISSION.

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OPINION.

In this proceeding the United Parcel Service of Los Angeles, Inc., a corporation, has applied to the Railroad Commission for a certificate of public convenience and necessity, authorizing the extension of its present automotive parcel service to the following territory:

1. Beyond Pasadena along the Foothill boulevard to Upland, serving all intermediate points.

2. Beyond Alhambra along the Valley boulevard to Ontario, serving all intermediate points.

3. Along Whittier boulevard to Whittier and through La Habra, Fullerton, Orange and Santa Ana, serving all intetrmediate points.

4. From Los Angeles over highways, serving Downey, Rivera, Los Nietos, Santa Fe Springs, Norwalk, Artesia, Cypress, Stanton, Garden Grove, Santa Ana and Tustin, serving all intermediate points.

5. Beyond Glendale through Burbank, Roscoe, Pacoima to San Fernando, serving all intermediate points.

6. Beyond Pasadena through Flint Ridge, La Canada, Montrose, La Crescenta, Tujunga, Sunland and San Fernando, serving all intermediate points.

Applicant now serves certain suburban territory adjacent to Los Angeles, and by this application seeks an extension over the routes described, including the right to make any necessary diversions to any points within five miles of the main highway traveled on all these extensions. In conducting this service applicant proposes to use its present equipment, consisting of Ford pick-up and delivery trucks, and will establish the same rates, rules and regulations as those in effect in the territory now served. It will not handle any packages exceeding 100 pounds in weight.

Public hearings were held before Examiner Austin at Los Angeles on July 9, 10, 11, 13, 14, 15 and 16, August 5, 6, 7 and 8, and on September 5, 1925, when evidence was offered, the matter was orally argued and submitted and it is now ready for decision.

Applicant is now engaged in conducting a general parcel delivery service for retail and wholesale stores in Los Angeles, serving the city of Los Angeles itself, and the suburban territory in the metropolitan area. Pick-up trucks are operated on regular schedules, serving applicant's patrons and transporting their parcels to a central depot in Los Angeles where they are sorted according to destination, loaded into delivery trucks and distributed through the territory served. For this delivery service applicant operates a fleet of about 90 Ford trucks which are kept in a high state of repair and are attractively painted, the trucks being manned by uniform drivers, who are carefully picked and trained. Applicant now serves about 400 patrons

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in the city of Los Angeles, consisting of retail and wholesale establishments.

Applicant called the executive officials and representatives of thirteen retail establishments in Los Angeles, all of whom expressed approval of the service, and some of them described the volume of their shipments to the territory proposed to be served. These stores comprise such representative institutions as the Ville de Paris (B. H. Dyas), a specialty house, which ships about 150 packages per week; Harry Fink Company, dealing in ladies' ready-to-wear goods and which during the first six months of 1925 shipped 235 packages; Walker's, Inc. (5th Street Store), a large department store which ships about 100 packages per week; Gude's Inc., a retail shoe store, the volume of their shipment not being stated; Neuner's, wholesale and retail printers and stationers, who shipped a varying quantity of packages; O. R. Harpel, wholesale and retail printers; Desmond's, one of the largest dealers in men's ready-to-wear goods, which during June, 1925, shipped 833 packages into the suburban territory, of which about 55 per cent was delivered to districts not served by applicant; N. B. Blackstone Company, a large department store; Howland & Dewey Co., dealing in kodaks and supplies, shipping about 75 packages a week; and Weatherby-Kayser Shoe Co., a large shoe establishment, shipping about 100 packages a week. In addition, the representatives of certain institutions were called by protestants and thereafter testified for the applicant. They included Mullen & Bluett, dealers in men's furnishings, and Silverwood's, also a large dealer in men's furnishings. The wholesale establishments represented included Neuner's, wholesale and retail printers, which desires to ship parcels for resale; McComas Dry Goods Company, a wholesale dry goods establishment, which also will ship to retail stores for resale purposes; Brownstone-Louis Company, a wholesale garment factory; Wilhoite-Evans & Cohn, wholesale dealers in men's furnishings, shipping about 75 packages a week; and Klingenstein Company, wholesale cigar dealers. Applicant's officials testified that they served nearly all the department stores and specialty shops in Los Angeles. Supplementing this testimony applicant offered certain letters written by many wholesale and retail establishments of Los Angeles, endorsing its service, which will be discussed later.

The various advantages and characteristics of applicant's service were enumerated by these witnesses. Many of them expressed a preference for one delivery company, serving all of the territory reached by the stores, rather than several carriers operating in this area. This would minimize the number of companies with which the stores were required to deal, would facilitate their accounting, particularly in respect to c. o. d. shipments and would reduce vehicular congestion in

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the streets adjacent to the stores. Nearly all stated that a parcel delivery service reaching a general area and serving all customers within that territory would be superior to one serving only specific points. In this respect Mr. J. E. Casey, president of the applicant corporation, testified that the proposed routes parallel one another, and should a five-mile detour from the main highways traversed be permitted, applicant can serve all customers within a general area or blanket territory. Some witnesses endorsed the proposed messenger service, by means of which the stores can keep in touch with their customers; others stated that applicant's delivery service was expeditious and direct; and the c. o. d. service was said to be satisfactory, the returns being paid promptly. To better serve its patrons applicant will accept checks from consignees, a practice not followed by other carriers. Applicant also makes adjustments with consignees and in many respects acts in the capacity of the delivery service of the store itself. A representative of Walker's Fifth Street Store testified that in this respect applicant was more efficient than their own delivery service. Some witnesses testified that this expeditious service had resulted in increased business for their establishments; others emphasized the importance of handling light packages separately, not commingling them with heavy freight; and some endorsed its uniform rate system. Applicant maintains an accounting and record system by which packages can be traced, thereby minimizing losses and delays. Its service differs from that afforded by the usual trucking lines, in that it is a one-way service only, no commodities being transported back to Los Angeles. For the convenience of its patrons, applicant maintains direct telephone connections between its private exchange and the principal stores, in this way functioning as the delivery department of the store itself.

Many of these witnesses related the disadvantages of other transportation services in respect to the handling of parcels. The service of the United States Parcel Post was described as slow and undependable, the stores being unable to trace packages satisfactorily, its c. o. d. service being slow and inconvenient in that checks are not accepted. The wrapping requirements imposed by the postal regulations are burdensome and expensive, while on the other hand applicant will accept packages wrapped for ordinary city delivery. Very little testimony was offered regarding the service of the American Railway Express Company. Some complaint was made as to its wrapping requirements; its parcel service was said to be slower and less direct than that of applicant; but for the handling of heavier shipments its service was generally endorsed. It appears that the motor stage express service is used only for emergency shipments, it being generally unsatisfactory for handling a parcel delivery service

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because it affords no direct pick-up or delivery. In other respects motor stage express service was conceded to be expeditious and satisfactory. The freight truck lines were characterized as inadequate, in that they afford no direct delivery or pick-up service except for large shipments; they commingle small parcels with heavy shipments, thereby damaging the former; and they have not provided special truck bodies or equipment for handling parcels. As to the other parcel carriers, two witnesses testified the service was slow, undependable and inferior to that of applicant, in that they served a much smaller area. One witness conceded they were satisfactory as to larger shipments. Neither witness referred specifically to any company.

Deliveries to the territory sought to be served by applicant are now made by parcel post for most of the firms whose representatives testified on behalf of applicant. This indicates that the parcel post service, to a greater extent than any other, will be supplemented by that of the applicant. Several witnesses endorsed the American Railway Express and the truck freight lines for handling heavier shipments and the motor stage express lines for transporting emergency shipments, stating they would continue to use these facilities for such purposes. In this connection, Mr. Casey expressed the opinion that applicant's proposed service will not seriously affect any carrier other than the parcel post.

With respect to the weight of the shipments handled by applicant, considerable testimony was offered. With substantial unanimity the representatives of retail establishments called by applicant testified that most parcels shipped were of light weight, ranging from 3 to 20 pounds, but occasionally there were heavier parcels, weighing in the neighborhood of 100 pounds. Of the parcels forwarded by Desmond's one of the larger stores, about 15 per cent weighed 2 or 3 pounds; 80 per cent, 5 or 6 pounds; and 5 per cent covers the heavier shipments. Applicant conceded that the average weight of retail shipments was 5.8 pounds. A study of the shipments of a large department store, selected as typical, for the period of a week in June, 1925, when no special sales were in progress, disclosed that 7138 packages ranged from 2.18 to 5.78 pounds average weight per package. There were 414 parcels ranging from 21.5 to 94.3 pounds average weight per package, of which 308 parcels were under 50 pounds, 66 were between 50 and 75 pounds, and 40 were over 75 pounds. The testimony of representatives from wholesale firms indicates that their shipments are heavier than those from retail houses, all of them occasionally requiring the transportation of parcels weighing from 50 to 100 pounds. Applicant submitted a statement showing that during the week ending June 27, 1925, it handled a total of 9489 wholesale packages. The

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relation between light and heavy packages is indicated in the following tabulation:

Weight per package, pounds	*Number of packages*	*Percentage of total number of packages*
1– 5	4816	50.7
6– 10	1941	20.4
11– 15	1011	10.6
16– 25	992	10.4
26– 50	646	6.8
51– 70	67	.7
71–100	16	.16
	9489	

Applicant's charges on the heavier parcels are higher than those imposed by the truck and motor express carriers, thus tending to discourage their movement. The maximum weight in the territory now served by applicant is 100 pounds per package, and, it was stated, if a lower limit is established elsewhere, applicant's patrons will be inconvenienced. Hence, a uniform weight limit is desired throughout the system.

Applicant offered an exhibit in book form (App. Exhibit 14) containing photostatic copies of letters from representative establishments in Los Angeles, endorsing its proposed service. This exhibit comprises three divisions, viz: (1) thirty-eight letters in various forms from wholesale and retail stores; (2) one typical letter from a wholesale firm, and photostatic signatures of eighty-eight wholesale houses which wrote letters in similar form; and (3) one typical letter from a retail firm, and photostatic signatures of twenty-eight retail houses which wrote letters in similar form. Some of the letters in division 1 state the volume and average weight of parcel shipments moving to the territory sought to be served; both the letters in divisions 2 and 3 contain this information, and accompanying each of such letters is a tabulation showing data in respect to the firms whose signatures appear. Protestants objected to this exhibit as being hearsay evidence of such a character as to deprive them of the right of cross-examination, and in respect to firms whose representatives testified at the hearing the further objection was made that the letters were not the best evidence. The ruling was reserved, and the exhibit was received subject to the objection.

We believe that great weight can not be accorded the *ex parte* statements regarding the volume and average weight of shipments. The tabulation accompanying division 2 indicates that the firm of Klingenstein Co. now ships 125 packages per week of an average weight of 5 pounds each along the routes proposed to be served by applicant. A representative of this house, called by the applicant, testified on

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cross-examination that the average weight was based on the record of one day's business in the city of Los Angeles, and the number of packages were those delivered to the territory now served by applicant. Neither figure has any reference whatever to the routes described in this application. The average weight, he stated, would be greater on suburban shipments, increasing in ratio to the distance. He admitted he had records available from which accurate information could have been obtained. It is impossible to say how many of the other letters are inaccurate in the same or other respects. Therefore, we attach but little value to statements of detail as to which no opportunity of cross-examination has been afforded. We shall consider these letters only as indicating in a general way that the Los Angeles retail and wholesale houses have been canvassed as to the need for this service and that there is a general sentiment among them favoring the application. No other or further evidentiary weight can be given them.

The granting of this application was protested by American Railway Express Company, Motor Transit Company, Keystone Express, Orange County Triangle Express, Richards Trucking and Warehouse Co., Los Angeles-Downey Express, Service Motor Express, San Fernando Haulage Co., Richardson Transportation Co., Independent Truck Co., Vance Truck Line, Orange County Fast Freight, Burbank Transfer Co., Griffith Transfer, and Merchants Association of Anaheim.

On behalf of the Orange County Triangle Express line, its proprietor, Mr. S. B. Cowan, testified with respect to the parcel service which he was engaged in between Los Angeles and Orange, Santa Ana, Tustin and intermediate points; also between Orange County points and Long Beach and Los Angeles Harbor. He performs a freight pick-up and call service, making two regular trips daily over his route, and detouring from the highway whenever necessary to make direct delivery to the consignees. At present two cars are used for this package service but more equipment is available when required. Fully 85 per cent of package shipments, both wholesale and retail, are under 100 pounds in weight. In his judgment, he will be unable to meet the competition, if applicant is permitted to serve the territory over which protestant operates, because of the graded rate structure of the applicant under which the rate per parcel decreases as the volume of shipments from any store increases. Because of this advantage in rates, in his opinion, shippers will be inclined to utilize applicant's service for handling all of their parcel shipments, and as a result all other parcel carriers will be driven from the field. Under protestant's rate structure no minimum guarantee is required. He enumerated several wholesale and retail firms of Los Angeles which he had been serving, stating that his service had proved satisfactory. Among them

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may be mentioned Walker's Fifth Street Store, for whom he had handled a substantial volume of packages weighing from one to five hundred pounds each; C. N. Neuner Co., for whom he handled occasional shipments; McComas Dry Goods Co., for whom he had handled a considerable volume of shipments ranging from five pounds to two tons in weight; and ten other representative stores which he served. In addition he mentioned other stores for whom he had hauled occasionally, generally on call.

This protestant called representatives of stores in Los Angeles, who endorsed his service, and in addition produced retail merchants from Orange, Anaheim, Santa Ana, Whittier and Fullerton. In general, they testified that they were satisfied with the existing transportation service from Los Angeles, including that performed by the protestant, stating that this service was both expeditious and adequate. Some testified that for emergency shipments the express service of the Motor Transit Co. or Pickwick System was used and for ordinary parcel delivery the Triangle service was employed. Some of them mentioned the weight of their shipments, stating that in most instances they were under 100 pounds. Several housewives of Anaheim, Santa Ana, Whittier, Fullerton and Orange were called, who testified that they frequently made purchases in Los Angeles which were delivered by the Triangle service in a satisfactory manner. Some of them on cross-examination stated that the mode of delivery was immaterial so long as it was adequate.

On behalf of protestant, Keystone Express, several witnesses testified that its parcel delivery service from Los Angeles to Pomona, Ontario, Upland and Azusa was satisfactory and adequate. No official or representative of this protestant was called, nor was the character of its operations explained.

Representatives of the Chambers of Commerce of Santa Ana, Orange, Ontario, Pomona and Azusa were called as witnesses on behalf of these two protestants. The secretary of the Anaheim Merchants Association, who testified in his own behalf, stated that any improvement in the delivery facilities of the large Los Angeles stores would invite patronage from the suburban communities, thereby injuring the local merchants, some of whom, when testifying for protestants, expressed similar apprehension. This opinion was not endorsed by other representatives of Chambers of Commerce. With substantial unanimity they testified that competition from Los Angeles was a fact which must be faced and that no merchants, in the true sense of the term, feared this competition. All of them stated that the present service was adequate, that no additional service was required, and that the extension of applicant's proposed service would operate to the detriment of the existing carriers, thereby impairing the present excellent facil-

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ities. One witness stated that the applicant because of the advantages inherent in its present rate structure proposed to absorb all of the parcel delivery business of the large Los Angeles stores, which would bankrupt the other carriers. In some cases meetings of these organizations had been called to discuss this situation, while in other communities no thorough canvass of public sentiment had been made.

Many of the witnesses called by these two protestants described the parcel post service in their respective communities as satisfactory and expeditious, in most cases an overnight service being afforded. A few of them stated that the service of the American Railway Express was satisfactory and its c. o. d. service prompt.

There was some complaint against applicant's service in the region it now serves. A witness representing a Los Angeles firm, dealing in motor accessories, testified that applicant had delayed some deliveries to the San Pedro territory. A representative of the May Company, a large department store maintaining its own delivery system, stated that on one occasion when it was unable to handle an unusually large volume of deliveries resulting from a special sale during April, 1925, applicant declined to render any assistance, stating it was busy with other sales. The office manager of Alexander & Oviatt expressed dissatisfaction with a recent change in the classification of that store, under applicant's tariff, which resulted in a slight decrease in the parcel rates. Before endorsing the service she wished an explanation of any previous error in the classification.

Mr. L. T. Fletcher, proprietor of protestant Service Motor Express, was called for cross-examination by the applicant. This line serves Los Angeles, San Bernardino, Riverside, Arlington, Santa Monica, Ocean Park, Venice, Culver City, Palms, Sawtelle, Beverly Hills, Sherman, La Habra, Anaheim and Fullerton, handling both freight and express. The equipment used consists of 20 trucks and 7 trailers of varying sizes, some of the equipment being adapted to fast delivery service. A pick-up service is maintained in Los Angeles, operating on regular schedules. The shipments handled vary in weight from a few pounds to 15 tons, the shipments for the wholesale houses averaging about 40 pounds and rarely exceeding 200 pounds. About four or five cars are used for picking up shipments, this service being confined practically to wholesale houses. Applicant also serves many small brokers and stores, but has obtained very little business from any of the large department stores, although their patronage has been solicited. He could not state whether protestant's patrons utilized its service for all shipments destined to points which it served. In his opinion the parcel post service, although slower than motor express, is cheaper for packages under 25 pounds in weight and for that reason is employed by many stores for smaller shipments. During 1925 protestant increased its service to Santa Monica and beach points

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(also served by applicant) from two to three schedules daily; and, in June, 1925, it extended its lines to Anaheim, Fullerton and La Habra, operating one daily schedule, and using one 4½-ton truck regularly and one ½-ton truck for special shipments. As to the latter points protestant's operations are confined to the corporate limits, no deliveries being made off the main highway.

On behalf of protestant, Motor Transit Company, its comptroller introduced a statement showing the express shipments moving over the lines of this carrier during June, 1925, from Los Angeles to the points proposed to be served by applicant. These shipments varied from less than 20 packages at some of the points to 1105 packages at Whittier and 1429 packages at Pomona, the average weight being 11.55 pounds per package. The total number of packages to these points, viz, 5682 packages, was 57.9 per cent of the total number of express shipments (9812 packages) handled by protestant during June, 1925, from Los Angeles to all the points which it served. This indicates a substantial movement of express shipments over protestant's lines to the territory involved in this application.

Protestant also offered a tabulation of its express rates to the points proposed to be served by applicant. No pick-up or delivery service is afforded by this carrier, it being necessary for the shipper to deliver packages at the station, and at destination the consignee is required to call for the shipment. Mr. F. D. Howell, vice president and assistant general manager, testified that express is carried on all passenger schedules, all cars being equipped with special compartments for handling such traffic. Express packages are received at protestant's station in Los Angeles where they are billed and sent out. As a rule, shipments are forwarded on the first car leaving after their receipt, provided they are received within ten minutes before departure, it being necessary to receipt for and bill them, in order to make a proper record. While there is no guarantee that shipments will leave on the next car, as a general rule they are handled very expeditiously. Protestant's passenger depots in the towns along its route are centrally located and are convenient of access to shippers and receivers of express. As a rule, shipments are delivered at agency points only, those consigned to other destinations being accepted for shipment solely at the shipper's risk. This express service is utilized to a large extent by firms having emergency shipments. It is increasing in volume and the company derives a substantial revenue therefrom. Another witness described the method of handling shipments at the Los Angeles office, stating that as a rule shipments can be billed out in 10 or 15 minutes, and in any event they are not delayed more than one-half or three-quarters of an hour. A wide range of commodities are handled, the company having facilities for transporting all express shipments offered. At present these shipments are limited in weight

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to 40 pounds per package, but an application is now pending (Application No. 11502) to increase this limit to 150 pounds per package, over protestant's system.

It is contended that applicant has unlawfully linked up and consolidated the operative rights vested in the applicant itself and the City and Suburban Package Delivery. The applicant has succeeded to the rights originally granted to Joseph S. Meiklejohn, operating as Meiklejohn's Delivery (Decision No. 9313, in Application No. 6761, dated August 5, 1921; Decision No. 10255, in Application No. 7697, dated March 29, 1922; Decision No. 13429, in Application No. 9934, dated April 17, 1924), and the City and Suburban Package Delivery, formerly known as United Parcel Service, is the successor of Russell A. Peck (Decision No. 10886, in Application No. 7979, dated August 19, 1922).

The Meiklejohn certificate (Decision No. 9313), which has not since been modified, authorized the operation "of an automobile truck service as a common carrier of packages, parcels and cartons under 100 pounds each in weight between Los Angeles, Long Beach, San Pedro, Redondo, Venice, Ocean Park, Santa Monica, Alhambra, Pasadena and Glendale and intermediate points," pick-ups for delivery being limited to the district in Los Angeles bounded "on the north by Sunset boulevard; on the west by Vermont; on the south by Santa Barbara; and on the east by Alameda," with the exception of goods delivered to a wrong address or returned to the shipper. No lateral rights were expressly granted.

The Peck system comprehended nine routes, specifically described in Decision No. 10886, between Los Angeles and Long Beach, Compton; San Pedro; Redondo; Venice, Ocean Park and Santa Monica; Sawtelle; Glendale and Burbank; Pasadena; and Alhambra and San Gabriel, respectively, and certain specified intermediate points, including also the right to serve territory within five miles on either side of the main routes. Parcels up to fifty pounds in weight may be transported over these routes, there being no limitation as to the pick-up area in Los Angeles.

In conducting its service under the Meiklejohn rights, applicant operates over ten routes between the respective points described in its certificates. For the purpose of accomplishing direct deliveries to residences in this general territory, applicant deviates from the main highways traversed, Mr. Casey testifying that the routes are prescribed in a general way and that divergencies for a reasonable distance are essential. The City and Suburban Package Delivery operates over the routes described above, which expressly include lateral rights. It serves a greater area than applicant, but does not handle so large a volume of business. The companies maintain separate offices in Los Angeles, and operate separate fleets of pick-up and delivery trucks.

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Applicant handles no parcels for the City and Suburban Company, but the latter acts as forwarding agent for applicant to points on its lines not served by applicant. The relationship between the two carriers has not changed substantially since our decision in the matter of *In re Casey* was rendered on October 13, 1923 (Dec. No. 12694, App. No. 8975), denying an application for an extension of operative rights. In that proceeding Mr. Casey's method of operations was investigated in a manner quite similar to the present application. In the opinion it is stated:

> It is not clear, however, that these acts on the part of applicant and the United Parcel Delivery are inconsistent with the proper relationship existing between common carriers, except in the matter of special trips, which seem to have been made under the impression that such trips may be made as a nonutility service to points where the applicant has no certificate to operate upon demand of a shipper, some of the points being those applied for in the present proceeding.

Objection was made to applicant's present rates, which it proposes to project into the territory for which a certificate is sought.

The principal attack is directed against the scale of graduated rates based on guaranteed minimum weekly shipments, which it is asserted operates to the advantage of larger shippers and is unduly prejudicial to smaller shippers. Section 3 of the tariff (C. R. C. No. 1) sets forth class rates embracing eight separate classes, each of which is dependent on the nature of commodities ordinarily forwarded by the shipper, the rates applying only where all such commodities are forwarded by the shippers over applicant's line to all territory served. The rates vary in proportion to the minimum weekly business guaranteed by the shipper, decreasing as such minimum increases. This is shown in the following schedule, which although not complete is illustrative of the entire scale:

Guaranteed weekly minimum	*Class and rate per package (in cents)*			
	1	*3*	*5*	*8*
$2 00	20	22	24	27
7 50	19	21	23	26
25 00	16	18	20	23
57 00	15	16	18	21
85 00	13	15	17	20

These are blanket rates applying to all points on applicant's lines, distance being ignored entirely. In determining the weekly minimum, business originating and delivered in the city of Los Angeles is considered as well as that destined to points in suburban territory. Under this tariff the larger shipper pays a lower rate per package than a smaller shipper handling similar merchandise. Representatives of some of the larger firms availing themselves of these rates testified they did not consider themselves precluded from utilizing other carriers for parcel deliveries, particularly with respect to emergency shipments.

It is also contended that the rates provided in this tariff are incon-

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sistent and conflicting. Section 2 specifies rates based on weight, a rate of 10 cents being imposed on packages weighing less than one pound; and on those weighing from 1 to 100, the rate is one cent per pound, plus nine cents, such rates being increased to one cent per pound, plus 34 cents where over 10 per cent of the shipper's monthly business is consigned to residential districts, other than stores or business houses. Protestants pointed out numerous instances where the rates under section 2 differ from those imposed under section 3 on the same commodities, a detailed statement of such inconsistencies having been submitted by Mr. Blair.

According to the testimony of Mr. Casey, under the practical application of this tariff, the rates in section 2 are utilized exclusively by wholesale shippers and the graduated rates specified in section 3 are used entirely by retail shippers.

Where shipments are delivered to the applicant, destined to points beyond its lines, it has made a practice of forwarding them over the lines of other carriers reaching such destinations. Where such shipments, originally accepted by applicant, are destined to points served by the City and Suburban Package Delivery, but not reached by applicant's lines, they are delivered to and forwarded by the City and Suburban to destination, and in like manner shipments are forwarded by other carriers such as the Motor Transit Company and other stage lines or by rail. In all such cases the applicant charges its tariff rates, and should the rates over the forwarding line be higher, it absorbs the difference and if they are lower than applicant's rates it retains the difference.

Objection was also made to the provision appearing on the last page of the tariff to the effect that 20 per cent of any rate published therein represents the main line haul and that shippers delivering packages to the terminal depot in Los Angeles, which are to be called for by the consignee and delivery taken at a point nearest to destination on the main highway traveled, will be given the benefit of 80 per cent reduction in the published rates. It was contended by protestants that under this provision applicant could inaugurate and conduct an express service comparable to that maintained by the stage lines, a form of competition which they asserted they could not meet because of the low rates. In explanation of this item, Mr. Casey stated it was published in connection with the 4 per cent tax on gross earnings. Under this provision the tax applies only to that portion of the service dealing with the main line haul, the terminal service being exempt from taxation. Applicant was advised by the State Board of Equalization, that unless it published some such provision its entire earnings would be subject to the 4 per cent tax if its constitutionality were ultimately sustained. During the course of the hearing this provi-

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sion in the tariff, in so far as it related to applicant's proposed offer of service, was amended so as to state that 80 per cent of the published rates is computed for terminal pick-up and delivery service and 20 per cent for the interurban line haul. This change appears to have overcome the objections of protestants to this feature of the tariff.

The record indicates a demand for the service proposed by applicant. That it will meet the needs of the Los Angeles retail and wholesale establishments for a more efficient delivery system is apparent from the testimony showing the character of service rendered in the past and the requirements of these stores in the district proposed to be served. Moreover, the service proposed is of a peculiar character, differing essentially from that of the Motor Stage lines in that regular scheduled pick-ups are performed and direct delivery is made to the residences of consignees, applicant acting in this respect as a delivery facility for the stores. It is also a one-way service, no traffic being handled on the back haul to Los Angeles. The evidence almost overwhelmingly indicates that applicant's service is more efficient than that of the parcel post, and it also appears more desirable for the handling of parcels than the service of the American Railway Express. It is essentially different from the transportation performed by the truck lines, which haul principally heavy freight and supplies, a circumstance which mitigates against their handling light parcels likely to be injured when commingled with heavier commodities. Although it appears that the motor stage express and American Railway Express services are efficient, nevertheless they occupy an entirely different field and do not meet the requirements of the Los Angeles stores for an efficient delivery system. The other parcel lines have not confined their activities to light packages, handling heavier freight in addition. For this reason, although they have been in existence for some years, they have apparently been unable to meet the needs of the stores.

Protestants called many merchants and business men from suburban towns in the territory proposed to be served, all of whom endorsed the existing facilities and stated that no further transportation service was necessary. These stores and business establishments occupy a position substantially different from that of the Los Angeles stores. These witnesses appear to be divided in opinion as to the effect upon them from a competitive standpoint of a more efficient delivery system for the Los Angeles stores, some expressing apprehension as to the ultimate consequences, while others stated this competition was a factor which must be dealt with and they were prepared to meet it. None of them, apparently, will have any need for this service, but this negative showing, we believe, does not overcome the affirmative proof offered by applicant as to the necessity for the proposed service.

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Some of the protestants objected to the maximum weight limit of 100 pounds per package proposed by applicant. The evidence indicates that a very large proportion of applicant's business consists of packages under ten pounds in weight. However, there is a substantial movement of heavier shipments up to 100 pounds, thus indicating a need that this maximum weight limit be continued in effect. Applicant's rates on heavier packages, particularly wholesale shipments, are higher than the rates established by the existing freight and express carriers on similar shipments; moreover the latter are able to handle heavy packages much more efficiently than applicant. Therefore, we do not apprehend such carriers will suffer any substantial injury by permitting the weight limit to remain as it is. If a weight limit lower than that effective in the territory now served were established over the routes embraced in this application, the lack of uniformity in maximum weight would undoubtedly cause a serious inconvenience to applicant's patrons. Therefore, no change will be made in the weight limit.

Considerable objection was voiced by protestants to applicant's system of rates and to its method of operations. Since this proceeding is not in the form of a complaint against the applicant, nor a general investigation of its rates and practices, these matters can be considered only in determining its fitness to operate as a carrier. Most of the matters discussed in this case were considered by this Commission in Application No. 8975, when applicant's predecessor, J. E. Casey, sought an extension of service. In our decision in that matter (Decision No. 12694, dated October 13, 1923) we held that the record did not establish the existence of any improper relations between the system operated by Mr. Casey and the United Parcel Delivery, the predecessor of the City and Suburban Package Delivery, other than the practice of making special deliveries to points not named in such applicant's certificate. In this case it appears that there has been no substantial change in applicant's operations since the rendition of that decision. In our judgment the record does not show that applicant and the City Suburban line have unlawfully consolidated their operations; to the contrary, we are of the opinion that each is confining its operations to the routes granted to these operators, respectively.

Objection was made to applicant's system of graded rates described above on the ground that these rates result in undue discrimination against the smaller shippers. The essential feature of this scale of rates is that the rate per unit (*i. e.*, per parcel) decreases as the volume of business tendered by any given shipper increases. In this regard they are analogous to rates permitted by this Commission to be established with respect to the service performed by other utilities, such as gas, water and electrical companies. Railroad carriers have unversally

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been allowed to distinguish between the rates on carload and less than carload shipments; and truck lines have been permitted to publish lower rates upon full truck loads than on less than truck load shipments, as well as on ton lot shipments. Because of the peculiarities of applicant's business, it will be impracticable for any shipper to tender at one time a full truck load, but we see no substantial distinction between a truck-load rate and one based upon the volume of business tendered during a specified period, such as that contemplated by applicant's tariff. This involves the same principle as that invoked in the case of railroad carriers and other utilities. While it is true that more favored treatment is accorded the larger shipper under these rates, still this does not result in any undue preference to such shipper or any undue discrimination against the smaller shipper. All shippers are at liberty to avail themselves of the benefits of this tariff, and all alike may obtain rates as low as the volume of their shipments will permit. The evidence shows that the benefits of this tariff have been extended to all shippers without any favoritism or preference of one shipper to another. We, therefore, conclude that this objection is unfounded.

However, we can not look with favor upon applicant's practice, to which we have alluded, of forwarding shipments over the lines of other carriers. Applicant is authorized under its certificate to serve points upon its own lines and no others. If it desires to serve points on the lines of other carriers, not reached by its own lines, it must publish joint through rates with such carriers on authority first obtained from this Commission. In our view this method of forwarding shipments is unlawful and should be discontinued. However, as this practice appears to have been conducted in good faith and confined only to a relatively small volume of shipments, we do not believe it of sufficient importance to warrant a denial of the certificate sought.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity require the extension by applicant of its present automotive parcel and delivery service between the points specified in the application.

An order will be entered accordingly.

ORDER.

A public hearing having been held in the above entitled application, the matter having been duly submitted, the Commission being now fully advised, and basing its order on the findings of fact which appear in the opinion preceding this order:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by United Parcel Service of Los Angeles, Inc., a corporation, of an automotive

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truck service as a common carrier, for the transportation of packages and parcels of merchandise, not exceeding 100 pounds each in weight, as an extension of its present service of similar character from Los Angeles to suburban territory, to the following points and over and along the following routes, viz:

1. An extension of the territory beyond Pasadena along the Foothill boulevard to Upland, serving all intermediate points;

2. An extension of the territory beyond Alhambra along the Valley boulevard to Ontario, serving all intermediate points;

3. An extension of the territory along the Whittier boulevard to Whittier, and through La Habra, Fullerton, Orange and Santa Ana, serving all intermediate points;

4. An extension of the territory from Los Angeles over highways serving Downey, Rivera, Los Nietos, Santa Fe Springs, Norwalk, Artesia, Cypress, Stanton, Garden Grove, Santa Ana and Tustin, serving all intermediate points;

5. An extension of the territory beyond Glendale through Burbank, Roscoe, Pacoima to San Fernando, serving all intermediate points;

6. An extension of the territtory beyond Pasadena through Flint Ridge, La Canada, Montrose, La Crescenta, Tujunga, Sunland and San Fernando, serving all intermediate points;

Also, in connection therewith, to make any necessary diversions to any points within five miles of the main highway travelled in all of the above named extensions.

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted to said United Parcel Service of Los Angeles, Inc., a corporation, for the operation of the service hereinabove described, subject to the following conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten days from date hereof; shall file, in duplicate, its time schedules, and its tariff of rates in a form similar to the tariff of rates in effect in the territory now served by applicant and subject to the approval of the Commission, within a period of not to exceed twenty days from date hereof; and shall commence the operation of the service herein authorized within a period of not to exceed thirty days from date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

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For all other purposes, other than hereinabove stated, the effective date of this order shall be twenty days from the date hereof.

Dated at San Francisco, California, this seventh day of April, 1926.

DECISION No. 16427.

IN THE MATTER OF THE APPLICATION OF SAN RAFAEL FREIGHT AND TRANSFER COMPANY FOR AN ORDER AUTHORIZING THE ISSUE OF ADDITIONAL COMMON STOCK.

Application No. 12580.

Decided April 7, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

William C. Beattel, for Applicant.

BY THE COMMISSION.

OPINION.

San Rafael Freight and Transfer Company asks permission to issue and sell, at not less than par, $30,000 of its common capital stock and use the proceeds to acquire an additional freight boat, new trucks and to pay notes and accounts payable.

Applicant has an authorized stock issue of $50,000 of which $20,000 is now outstanding. Its indebtedness as of December 31, 1925, is reported as follows:

Note payable	$8,664 14
Accounts payable	5,752 86
Mercantile Trust Co. overdraft	1,300 92
Bank of Sausalito overdraft	9 05
Due on C. O. D. shipments	132 30
Due on A. H. Marx on salary acct.	1,177 46

A. H. Marx, president of San Rafael Freight and Transfer Company, testified that it is necessary for the company to acquire an additional boat to take care of new business which he feels can be developed. It is proposed that the company acquire a scow at a cost of $2,000, convert the scow into a barge at a cost of about $1,500, acquire a tugboat at $2,500 and install a new engine and equipment at a cost of $2,000, making a total expenditure for the barge and tugboat of $8,000. He further testified that three of the company's trucks are in such poor condition that the expense of maintaining the same does not warrant the company to continue their operation. It is proposed to acquire in lieu of the three trucks which are to be withdrawn from service, a new Fageol truck at a cost of $3,800, a Graham truck at a cost of about $2,000 and to acquire, if applications now before the Commission for additional operative rights to operate are granted, two additional Fageol trucks. The total cost of the equipment to be acquired by

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applicant to handle properly its business over present routes is estimated at $13,800. It is of record that if applicant is successful in selling its stock it will use the proceeds to acquire such additional equipment as it may need and then apply the remainder to the payment of indebtedness.

ORDER.

San Rafael Freight and Transfer Company having applied to the Railroad Commission for permission to issue $30,000 of stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of such stock is reasonably required by applicant and that this application should be granted, as herein provided; therefore,

It is hereby ordered, that the San Rafael Freight and Transfer Company be and it is hereby authorized to issue and sell, on or before November 1, 1926, at not less than par, $30,000 par value of its common capital stock and use the proceeds to purchase a barge and tugboat and acquire additional trucks referred to in the foregoing opinion and to pay part of its outstanding indebtedness.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that applicant shall keep such record of the issue and delivery of the stock as will enable it to file within thirty days after such issue and delivery a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is a part of this order.

Dated at San Francisco, California, this seventh day of April, 1926.

DECISION NO. 16428.

IN THE MATTER OF THE APPLICATION OF NEEDLES GAS AND ELECTRIC COMPANY FOR AUTHORITY TO ISSUE ADDITIONAL FIRST MORTGAGE BONDS IN THE AMOUNT OF FORTY-FOUR THOUSAND DOLLARS AND TO SELL THE SAME.

Application No. 12643.

Decided April 7, 1926.

SECURITIES—BONDS—TO ISSUE.—Application granted.

LeRoy M. Edwards, by *O. C. Sattinger*, for Applicant.

BY THE COMMISSION.

OPINION.

Needles Gas and Electric Company asks permission to issue and sell

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at not less than 96 per cent of their face value and accrued interest, $44,000 of its 7 per cent first mortgage bonds due December 1, 1944.

Applicant has an authorized stock issue of $100,000, all of which is outstanding. It has an authorized bond issue of $250,000, of which $115,000 have heretofore been issued and sold. Bonds in the amount of $3,000 have been retired, leaving $112,000 outstanding.

Applicant is engaged in the business of manufacturing and selling gas and electricity and furnishing telephone service in the city of Needles, San Bernardino County, California. The property of applicant consists of an electric light and power generating plant and system, a gas generating plant and distributing system and a telephone system. In its Exhibit "C" filed in this proceeding applicant reports for the year ending December 31, 1925, its operating revenues, operating expenses, other income and other disbursements as follows:

Operating revenue		
Electric	$47,202 49	
Gas	24,624 53	
Telephone	9,791 11	
Total		$81,618 13
Operating expenses and taxes—Schedule 1—		
Electric	$27,352 41	
Gas	24,670 08	
Telephone	7,778 64	
Total		59,801 13
Operating income		21,817 00
Other income credits—		
Interest received	$188 45	
Miscellaneous	70 02	
Total		258 47
Gross income		$22,075 47
Income charges—		
Interest on funded debt	$7,862 94	
Interest on floating debt	361 16	
Adjustment of inventories	1,210 93	
Federal income tax for 1924	717 04	
Miscellaneous	69 84	
Total		10,221 91
Net income before providing for depreciation		$11,853 56
Provision for depreciation		7,986 27
Net income		$3,867 29
Surplus January 1, 1925		25,643 01
Surplus December 31, 1925		$29,510 30

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It is of record that applicant proposes in the immediate future to make further additions and betterments to its plants and properties in the following manner:

To erect a new office building upon a lot recently purchased in the city of Needles, and to cost	$7,000 00
To provide and install necessary underground cables and telephone switchboard extensions, costing	3,000 00
To construct a fireproof power plant building over the present and proposed generating units, in lieu of the present wood and iron structure, costing	7,000 00
To add a generating unit of approximately 300 h.p., costing	24,000 00
Total estimated expenditures	$41,000 00

It is for the purpose of providing itself with funds to make the aforementioned improvements and betterments that applicant asks permission to issue and sell $44,000 of bonds.

The testimony of R. S. Masson, applicant's president, is to the effect that all of the improvements are necessary in order to enable applicant to give adequate and satisfactory service.

Applicant under its first mortgage may call upon the trustee to certify bonds in an amount equal to 80 per cent of the cost of additions and betterments. Because of the estimated expenditure of $41,000, applicant proposes to issue bonds in the amount of $32,800. It further proposes to issue $11,200 of bonds against construction expenditures incurred prior to January 1, 1926, which expenditures are reported in this application. The proceeds from the $11,200 of bonds, as well as the proceeds from the $32,800 will be used to pay the cost, in whole or in part, of the improvements, additions and betterments referred to herein.

ORDER.

Needles Gas and Electric Company having applied to the Railroad Commission for permission to issue $44,000 of bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should be granted as herein provided; therefore,

It is hereby ordered, that Needles Gas and Electric Company be and it is hereby authorized to issue and sell on or before November 1, 1926, at not less than 96 per cent of their face value and accrued interest, $44,000 of 7 per cent first mortgage bonds due December 1, 1944, and

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use the proceeds, other than accrued interest, for the following purposes:

To construct new office building, approximately	$7,000 00
To acquire and install necessary underground cables and telephone switchboard extensions, approximately	3,000 00
To construct a fireproof power plant building over the present and proposed generating units, approximately	7,000 00
To acquire and install an additional generating unit of about 300 h.p., approximately	24,000 00

The accrued interest may be used for general corporate purpo es.

It is hereby further ordered, that the authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $44, and that Needles Gas and Electric Company shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this seventh day of April, 1926.

Decision No. 16429.

IN THE MATTER OF THE INVESTIGATION UPON THE COMMISSION'S OWN MOTION INTO THE RATES, CHARGES, CLASSIFICATIONS, CONTRACTS, PRACTICES, RULES, REGULATIONS, SCHEDULES, AND CONDITIONS OF SERVICE OF THE SUTTER-BUTTE CANAL COMPANY, A PUBLIC UTILITY.

Case No. 2126.

Decided April 8, 1926.

By the Commission.

ORDER DENYING PETITION FOR REHEARING.

A petition for rehearing having been filed in the above entitled matter by the Sutter-Butte Canal Company, and it appearing that no new matters are brought to the attention of the Commission which were not fully considered by it in its prior order and Decision No. 16289, dated March 20, 1926, from which order and decision a rehearing is requested by this petition, except as to a clerical error existing in paragraph (b) of Rule 2 as provided in said decision, which paragraph should read:

(b) If notice to discontinue is or is not filed, and the application is not renewed on or before said date, he shall be obligated to pay to the company on February 1st of each of the two succeeding years the service charge of $1.25 per acre of the

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land mentioned or described in his last application and agreement; unless same has been prepaid as provided in rate schedules.

And the Commission being of the opinion that the reasons set forth in said petition for rehearing are insufficient;

It is hereby ordered, that said petition for rehearing be and the same is hereby denied; and

It is hereby further ordered, that paragraph (b) of Rule 2 as contained in our Decision No. 16289 be and the same is hereby amended to read as follows:

(b) If notice to discontinue is or is not filed, and the application is not renewed on or before said date, he shall be obligated to pay to the company on February 1st of each of the two succeeding years the service charge of $1.25 per acre of the land mentioned or described in his last application and agreement; unless same has been prepaid as provided in rate schedules.

Dated at San Francisco, California, this eighth day of April, 1926.

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MISCELLANEOUS AND SUPPLEMENTAL ORDERS.

AUTO STAGE APPLICATIONS.

DISMISSALS.

GRADE CROSSINGS.

57—41345

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TABLE A—DISMISSALS (Cases).

Dec. No.	Case No.	Litigants	Date
15402	1933	Pasadena Glen Improvement Association et al. vs. A. B. Shaw	Sept. 16, 1925
15435	1897	R. Wilken et al. vs. Joseph K. Hawkins	Sept. 19, 1925
15436	2129	Everett Pert vs. Irvin C. and Clarence Georgeson (San Pasqual Valley Truck Line)	Sept. 19, 1925
15526	2134	E. E. McPherson vs. Claude E. Doty	Oct. 9, 1925
15557	2157	City of Los Angeles vs. Southern Pacific Company	Oct. 21, 1925
15662	2116	W. C. Lawrence vs. J. W. Houk and J. H. Smith (Lassen Transit Company)	Nov. 20, 1925
	2147	Mt. Lassen Transit Company vs. J. W. Houk and J. H. Smith (Lassen Transit Company)	Nov. 20, 1925
15710	1723	Western Meat Company and Oakland Meat and Packing Company vs. Southern Pacific Company, The Western Pacific Railroad Company and Northwestern Pacific Railroad Company	Nov. 30, 1925
15711	2170	H. E. Shrainer and F. W. Reed vs. Isaac M. Artenian	Nov. 30, 1925
15791	1726	Miller and Lux, Inc., vs. Southern Pacific Company, Western Pacific Railroad Company and Northwestern Pacific Railroad Company	Dec. 22, 1925
16056	2185	Southern Pacific Land Company vs. South Los Angeles Land and Water Company	Mar. 2, 1926
16312	2131	California Cotton Oil Company vs. The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company	Mar. 25, 1926
	2159	California Cotton Oil Company, Globe Cotton Oil Mills and Palo Verde Cotton Association vs. The Atchison, Topeka and Santa Fe Railway Company	
	2160	California Cotton Oil Company et al. vs. Southern Pacific Company	
16325	2218	Albers Bros. Milling Company vs. Northwestern Pacific Railroad Company and Southern Pacific Company	Mar. 29, 1926
16402	1964	A. J. Lofgren et al. vs. Sutter-Butte Canal Company	April 2, 1926

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TABLE B—DISMISSALS (Applications).

Dec. No.	App. No.	Applicant	Nature of proceed ngs	Date
15390	11454	E. J. Whitney and Harry L. Person	To sell, and Consolidated Water and Development Company to purchase, public utility known as Maravilla Water System, Los Angeles County	Sept. 12, 1925
15431	11143	Carl A. Jensen	To operate auto freight service—San Diego and San Pasqual and intermediate points	Sept. 19, 1925
15432	11195	Newport Storage and Transportation Company	To issue stock	Sept. 19, 1925
15433	11248	Elmer L. and Roy C. Webb	To operate auto truck service—San Diego and San Pasqual and intermediate points	Sept. 19, 1925
15434	11305	George Evans	To operate auto truck milk route between dairy ranches in vicinity of Bonsall, San Luis Rey and Vista and Escondido	Sept. 19, 1925
15442	4817	Associated Telephone Company	To discontinue payments into Depreciation Fund	Sept. 21, 1925
15447	11461	Oakland Terminal and Elevator Corporation	To organize new corporation and issue stock	Sept. 23, 1925
15464	10367	R. W. Laverty	To operate auto freight service—Hollister and San Francisco	Sept. 24, 1925
15524	10950	California Transit Company	To reroute portion of service between Livermore and San Jose	Oct. 9, 1925
15525	11255	E. E. McPherson	To operate auto freight service—Kelseyville, Lake County, and Hopland, Mendocino County	Oct. 9, 1925
15529	11604	Southern Pacific Company	To close agency at Zelzah station, Los Angeles County	Oct. 15, 1925
15570	11178	J. W. O'Dell	To operate gas and water system at Tupman, Kern County	Oct. 23, 1925
15587	11019	Mary Perkins Raymond	To abandon public utility service to Anton Rilovich	Oct. 29, 1925
15660	11100	James E. Clark	To operate auto truck service between dairy ranches in San Bernardino County, vicinity of Chino, and Los Angeles	Nov. 20, 1925
15661	11578	J. W. Houk and J. H. Smith (Lassen Transit Company)	To consolidate existing operative rights between Chico and Susanville and intermediate points	Nov. 20, 1925
15687	11995	Los Angeles and Salt Lake Railroad Company	To construct steam railroad track across California avenue and New York street, city of Long Beach	Nov. 21, 1925
15730	11406	South Park Water Company	To issue $90,000 of bonds	Dec. 7, 1925
15742	11533	W. A. Hensley	To sell Heber Water Works to Conda R. and Angeline G. Courtney	Dec. 10, 1925
15754	10527	Lingo Brothers	To operate auto freight service—San Bernardino, also Redlands, and Arrowhead Lake resorts and Big Bear Lake resorts in San Bernardino mountains	Dec. 15, 1925
15843	11824	Belvedere Water Corporation	To execute an oil and gas lease	Jan. 13, 1926
15853	11585	County of San Joaquin	To construct road crossing main tracks of Southern Pacific Company, Oakdale Branch, Central California Traction Company et al	Jan. 15, 1926
15878	12426	Crowley Launch and Tug Boat Company	To operate vessels for transportation of persons between Oakland and Alameda	Jan. 19, 1926
15879	12429	Oakland Launch and Tugboat Company	To operate vessels for transportation of persons between Oakland and Alameda	Jan. 19, 1926
15940	11298	M. O. Duncan and M. A. Wade	To operate auto truck service between Lancaster and Los Angeles	Feb. 5, 1926
15948	11656	El Pismo Water Company	To increase rates	Feb. 6, 1926
15949	11848	El Pismo Water Company	To discontinue water service in vicinity of Pismo, San Luis Obispo County	Feb. 6, 1926
15967	12039	F. G. Frasier and F. E. Doss	To operate auto freight and express service—Petaluma, Sonoma county, and points within radius of 150 miles	Feb. 8, 1926

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15970	11986	H. E. Bouldin	To operate auto freight service—Los Angeles and San Bernardino and Riverside and San Bernardino to Imperial Valley points	Feb. 9, 1926
15973	12012	F. W. Wales	To operate auto truck service to and from Folsom and Sacramento by way of Perkins, Mills and other intermediate points	Feb. 10, 1926
15974	12414	County of Fresno	To construct public highway at grade over right of way and tracks of Southern Pacific Company at North Avenue	Feb. 10, 1926
15975	11968	F. W. Wales and R. E. Wales	To operate auto truck service within radius of 30 miles of Folsom	Feb. 10, 1926
15976	11659	F. R. Palmateer (Fidelity Fireproof Storage Company)	To operate auto truck service between Los Angeles and various points in southern California	Feb. 10, 1926
15977	12308	Verner Copeland	To operate auto trucking service within radius of 25 miles of Los Angeles	Feb. 10, 1926
15978	12362	F. D. Pfeiffer	To operate auto truck service between town of Olive and other Orange County points and within radius of 20 miles beyond borders of said county	Feb. 10, 1926
15979	12368	Alfred J. Johnston	To operate auto dump truck service between Carbon Canyon, Fullerton post office and points within radius of 10 miles beyond borders of said county	Feb. 10, 1926
15980	12369	Glen G. Patton	To operate auto dump truck service between city of Fullerton and other Orange County points and points within radius of 25 miles beyond borders of said county	Feb. 10, 1926
15981	12370	A. L. Foster (Foster Sand and Gravel Company)	To operate auto dump truck service between city of Fullerton and other Orange County points and points within radius of 10 miles beyond borders of said county	Feb. 10, 1926
15982	12371	C. C. Lilley	To operate auto dump truck service between city of Fullerton and other Orange County points and points within radius of 10 miles beyond borders of said county	Feb. 10, 1926
15994	11917	Crown Transfer and Storage Company	To operate auto trucking service from and to city of Pasadena	Feb. 15, 1926
15995	12126	John R. Cadwallader	To operate auto trucking service between ranches and packing houses within radius of 25 miles of East Highlands	Feb. 15, 1926
16010	12307	Acme Transfer Company	To operate auto truck service between Los Angeles points "on call"	Feb. 16, 1926
16023	11670	Imrie D. Allison and Mike Skangos	To operate auto trucking service in vicinity of Sanger and within radius of approximately 100 miles	Feb. 20, 1926
16024	11781	Altadena Bus Line	To operate auto bus service between Altadena and Los Angeles	Feb. 20, 1926
16039	10462	California Transit Company	To issue capital stock	Mar. 2, 1926
16040	11331	J. K. Hawkins	To operate auto truck service for hauling certain commodities between Clark & Beckett ranch in Corcoran district, Tulare and Kings counties, and Los Angeles	Mar. 2, 1926
16041	11987	Ed Dameier	To operate auto freight truck service between Los Angeles and various points in San Joaquin Valley	Mar. 2, 1926
16042	12010	Dean Hollinshead	To operate auto passenger stage service between Weed and Pineland and intermediate points in Siskiyou County	Mar. 2, 1926
16057	11956	Fred M. Hatch	To operate as private contract carrier certain auto dump trucks over various highways in southern California	Mar. 2, 1926
16058	12123	G. E. Galbreath and L. A. Galbreath	To operate auto truck service as contract carrier between Chino and points within 15 miles radius and points within radius of 150 miles of Chino	Mar. 2, 1926
16059	12131	O. O. Davis	To operate auto truck service as contract carrier between points within radius of 100 miles of Los Angeles	Mar. 2, 1926
16060	12166	P. E. Mansfield and A. E. Edell	To operate auto truck service as contract carrier between Colton and points within radius of 75 miles thereof	Mar. 2, 1926

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TABLE B—DISMISSALS (Applications)—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Date
16061	12246	G. A. Tainter	To operate auto truck service as contract carrier between Los Angeles and points within radius of 75 miles thereof	Mar. 2, 1926
16062	12312	H. S. Kelly and Irving O. Kelly	To operate auto truck service as contract carrier between Burbank and points within radius of 100 miles thereof	Mar. 2, 1926
16063	12377	H. R. Pomeroy and W. R. Whipkey	To operate auto truck service as contract carrier between Huntington Park and points within radius of five miles, and points from Santa Maria, Fresno, San Bernardino and San Diego	Mar. 2, 1926
16099	12025	Jas. V. Letherman	To operate auto dump truck service—points in Ventura and Santa Barbara counties	Mar. 8, 1926
16100	12087	W. P. Bluett	To operate auto truck as contract carrier between Los Angeles and points within radius of 175 miles thereof	Mar. 8, 1926
16101	12093	M. Fund	To operate auto truck service as contract carrier	Mar. 8, 1926
16102	12094	Chas. H. Ives	To operate auto truck as contract carrier between all points in southern California south of line drawn from San Luis Obispo through Fresno to Bishop	Mar. 8, 1926
16103	12125	David W. Julian (Julian's Transfer)	To operate auto freight and baggage transfer between Santa Ana and zones adjacent thereto	Mar. 8, 1926
16104	11736	Frank Simonetti	To operate motor freight trucks to haul farm products, etc., on call from point to point in San Joaquin County	Mar. 8, 1926
16105	11857	Denzil H. Smith	To operate auto truck service between points located in Ventura, Santa Barbara or San Luis Obispo counties	Mar. 8, 1926
16106	12154	Norman Allcott	To operate auto truck service between Lompoc and territory adjacent thereto, and points in San Luis Obispo, Santa Barbara, Ventura and Los Angeles counties	Mar. 8, 1926
16107	12167	E. Hoyt	To operate auto truck service between various points in southern California	Mar. 8, 1926
16108	12175	Thomas and Son	To operate auto truck service between Los Angeles Harbor points and all points in southern California within radius of 150 miles thereof	Mar. 8, 1926
16109	12255	O. L. Collier	To operate auto truck service as contract carrier between Watts and points within radius of 125 miles thereof	Mar. 8, 1926
16110	12248	Frank Gibbs	To operate general hauling service between El Monte and towns within radius of 35 miles	Mar. 8, 1926
16111	12263	Pacific Transportation Company	To operate auto freight service south of line drawn from coast through Fresno and San Luis Obispo to the border	Mar. 8, 1926
16112	12266	Quick Service Transfer Company	To operate auto truck service south of line drawn from Santa Barbara through Mojave to the boundary	Mar. 8, 1926
16113	12267	E. A. Mabbott	To operate auto dump truck service between points located within Los Angeles or Santa Barbara counties	Mar. 8, 1926
16114	12300	C. E. Wilkins (Wilkins Draying Company)	To operate auto freight service in territory north of southern boundary line of Monterey, Kings and Tulare counties and west of western boundary line of Inyo and Mono counties and state of Nevada	Mar. 8, 1926

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16115	12301	McLaughlin Draying Company	To operate auto freight service in territory north of southern boundary line of Monterey, Kings and Tulare counties and west of western boundary line of Inyo and Mono counties and state of Nevada	Mar. 8, 1926
16116	12350	F. C. Waterman	To operate auto express, transfer and general hauling business within Los Angeles and points not exceeding 35 miles distant therefrom	Mar. 8, 1926
16117	12321	Paul E. Bradley	To operate auto freight service on call between points located in counties of Santa Barbara and San Luis Obispo	Mar. 8, 1926
16118	12386	A. V. Jordan	To operate motor truck service within limits of county of San Diego	Mar. 8, 1926
16124	12320	Drayage Service Corporation	To operate auto freight service—Oakland and 100 mile radius	Mar. 8, 1926
16126	12004	R. A. Tolman	To operate auto truck service—Santa Barbara and San Luis Obispo counties and various points in California	Mar. 11, 1926
16127	12034	Joseph S. and John A. Lacey	To operate auto truck service—points outh of line drawn from San Jose to Merced	Mar. 11, 1926
16128	12035	B. M. Ireland	To operate auto truck service—Los Angeles and points in southern California within radius of 160 miles thereof	Mar. 11, 1926
16129	12124	Al Ashcraft and Herbert Kelly	To operate auto truck service—Burbank and points within radius of 75 miles thereof	Mar. 11, 1926
16130	12209	E. H. Peterkin	To operate auto truck service—points in Orange County, or within radius of 15 miles of Brea, and south of line drawn from King City to Bishop through Fresno	Mar. 11, 1926
16131	12348	F. H. Kelting	To operate auto truck service—Los Angeles and Los Angeles Harbor and points within 150 mile radius	Mar. 11, 1926
16132	12357	F. S. and H. D. Barrick	To operate auto truck service—Carpinteria and radius of 125 miles thereof, and points in Ventura and Santa Barbara counties	Mar. 11, 1926
16140	12361	W. H. Fickett	To operate motor truck service for transportation of brick to points within Los Angeles and Orange counties	Mar. 16, 1926
16147	12165	G. S. Ramsay	To operate auto truck service—Hollywood and radius of 35 miles	Mar. 16, 1926
16148	11837	C. C. and C. H. Lockett (Electric Transfer and Storage Company)	To operate auto truck service, household goods, pianos, etc., between points in state of California	Mar. 16, 1926
16149	11491	The San Jose Transfer and Express Company, Inc	To operate general moving and transfer service—San Jose and points in California	Mar. 16, 1926
16150	12168	J. H. Ballard Transfer	To operate auto freight service on call to and from Long Beach and other southern California points	Mar. 16, 1926
16151	12007	Lynn Patrick	To operate auto freight service—Los Angeles and radius of 40 miles	Mar. 16, 1926
16152	12199	Baughman Truck Company	To operate auto truck service—Los Angeles and San Bernardino counties	Mar. 16, 1926
16153	12036	A. E. Mills (Mills Motor Transfer)	To operate auto truck service—points south of line drawn from Santa Barbara to Mojave	Mar. 16, 1926
16154	11541	A. G. Lee	To operate general moving and transfer service—San Jose and other California cities and counties	Mar. 16, 1926
16155	12142	L. J. Wooley	To operate auto truck service—Los Angeles and southern California points within radius of 40 miles	Mar. 16, 1926
16156	12143	Thos. H. Wallace	To operate auto truck service—points within radius of 135 miles of Los Angeles	Mar. 16, 1926
16157	11553	J. S. Cunningham	To operate auto express and baggage service—city of San Jose and other points in California	Mar. 16, 1926
16158	12213	J. E. Poister	To operate auto truck service—Ontario and points within radius of 75 miles thereof	Mar. 16, 1926
16159	11969	Fred M. Crandall	To operate auto truck service—points in California	Mar. 16, 1926
16160	11830	Capital-Sacramento Transfer Van and Storage Company	To operate motor vans and truck service for moving household furniture, pianos, office furniture, etc.	Mar. 16, 1926

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TABLE B—DISMISSALS (Applications)—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Date
16161	11483	Nickell's Transfer and Storage	To operate auto freight service—San Jose and within radius of 100 miles thereof, with occasional trips on call to other points in California	Mar. 16, 1926
16162	11575	R. J. Maley	To operate auto express and baggage service—city of San Jose and radius of 250 miles thereof	Mar. 16, 1926
16163	11591	George L. Chaboya	To operate auto baggage and freight service—points in California	Mar. 16, 1926
16164	11595	F. H. Bissell's Transfer	To operate general moving and transfer service—San Jose and various cities and counties in California	Mar. 16, 1926
16165	12345	Everett L. Kirk and Harry W. Hamilton, co-partners	To operate auto truck service—radius of 20 miles of city of Exeter; Tulare Lake region, Pinedale, Bakersfield and San Joaquin Valley	Mar. 16, 1926
16166	11336	Clark and Burge	To operate auto freight service—Monticello and Napa and Monticello and Winters	Mar. 16, 1926
16167	11539	City Truck and Transfer Company	To operate auto baggage and freight service—San Jose and all points in California	Mar. 16, 1926
16168	11597	Spencer H. Jones	To operate auto express, baggage and transportation service—San Jose and all other points in State of California	Mar. 16, 1926
16169	11840	J. J. Farmer	To operate auto truck service—all points within radius of 30 miles of Calipatria	Mar. 16, 1926
16170	11841	Rudolph Gervassio	To operate auto truck service—within radius of 100 miles of San Jose	Mar. 16, 1926
16171	11865	Peter Molay	To operate auto freight and general hauling service—within radius of 24 miles of Hollister	Mar. 16, 1926
16172	11867	Garcia and Tinsley	To operate auto trucking service—within radius of 30 miles of Hollister	Mar. 16, 1926
16173	11888	Arthur J. Scribner	To operate auto truck service—Tujunga and radius of 25 miles thereof	Mar. 16, 1926
16174	11891	Harry E. Brunet and Francis A. Swall	To operate auto dump truck service—points south of line drawn from San Luis Obispo through Fresno to Bishop	Mar. 16, 1926
16175	11902	E. W. Murphy	To operate motor truck service for transportation of hay, grain and dairy feed within radius of 80 miles from 20th and Main streets in Los Angeles	Mar. 16, 1926
16176	11973	Roy Bauer (Bauer Truck Company)	Auto truck service to and from following points: Los Angeles, Fallbrook, Holtville, Visalia and Santa Maria	Mar. 16, 1926
16177	11979	Van Dien-Young Company	To operate auto freight service—within radius of 60 miles of Santa Ana	Mar. 16, 1926
16178	12001	Geo. Palmer	To operate auto truck service—Lompoc and various points in State of California	Mar. 16, 1926
16179	12200	J. M. Price	To operate auto freight service—Taft, Kern County, and points within radius of 150 miles thereof	Mar. 16, 1926
16180	12002	Advance Truck Company	To operate auto truck service—points south of line drawn from San Luis Obispo to Fresno	Mar. 16, 1926
16181	12044	Orange County Rock Company	To operate auto dump truck service—Orange county and points within 10 miles from exterior boundaries of said county	Mar. 16, 1926
16182	12078	R. P. Cobb and H. W. Hendrix	To operate auto truck service—points in southern California within radius of 110 miles of Los Angeles	Mar. 16, 1926

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16183	12086	H. H. Dimmitt and James H. Taylor	To operate auto truck service—points within radius of 75 miles of Los Angeles Harbor district	Mar. 16, 1926
16184	12118	Joseph Orlando and John Orlando	To operate motor truck service—Irvington and radius of 30 miles of said town	Mar. 16, 1926
16185	12122	H. J. Livingston	To operate auto truck service—La Habra and radius of 125 miles	Mar. 16, 1926
16186	12135	Z. Beckett, W. M. Cook and H. A. Beckett (Salt Lake Transfer and Storage Company)	To operate motor transfer service—Riverside and outside points	Mar. 16, 1926
16187	12155	A. E. Frinell and E. Frinell	To operate auto truck service—Long Beach and radius of 150 miles	Mar. 16, 1926
16188	12156	P. Agard	To operate auto freight service—Yolo, Colusa and Sutter counties in vicinity of Knights Landing	Mar. 16, 1926
16189	12169	Harris Transfer Company	To operate auto freight service—Long Beach and other southern California points	Mar. 16, 1926
16190	12208	C. W. Rose	To operate auto truck service—within radius of 100 miles of Wasco	Mar. 16, 1926
16191	12211	Elmer E. Frost	To operate auto truck service—Los Angeles and points within radius of 75 miles therefrom	Mar. 16, 1926
16192	12212	W. A. Barnes	To operate auto truck service—Sherman and points within radius of 35 miles.	Mar. 16, 1926
16193	12220	Charles Maynard	To operate auto truck service—Redlands and radius of 200 miles	Mar. 16, 1926
16194	12221	Joseph K. Hawkins	To operate auto truck service—Pomona and radius of 100 miles	Mar. 16, 1926
16195	12225	Cahoon and George	To operate auto freight service—Salinas City and radius of 150 miles.	Mar. 16, 1926
16196	12264	Martin Barbaste	To operate auto truck hauling service—Riverside and radius of 150 miles therefrom	Mar. 16, 1926
16197	12306	E. Dunne	To operate auto freight service—radius of 75 miles of Sunnyvale, Santa Clara County	Mar. 16, 1926
16198	12309	C. A. Seamens	To operate general trucking service—points within radius of 25 miles of Norwalk	Mar. 16, 1926
16199	12313	Androtti Brothers	To operate auto freight service—Sacramento Valley, and principally in Colusa, Yolo and Sutter counties	Mar. 16, 1926
16200	12323	H. Grady Sewell	To operate auto general trucking service—within radius of 150 miles of Beaumont	Mar. 16, 1926
16201	12344	A. H. Hartman	To operate special trucking service within radius of 50 miles of city of San Jose	Mar. 16, 1926
16202	12346	Francis McNeese and Halden McNeese	To operate auto trucking service—within 20 miles radius of Exeter, San Joaquin Valley points and Bakersfield	Mar. 16, 1926
16203	12372	C. Frederick Baker	To operate motor freight service—Bakersfield and radius of 75 miles thereof, and places in California, San Francisco, Sacramento and south	Mar. 16, 1926
16204	12352	Ward E. Weekly	To operate auto trucking service within 30 mile radius of city of Exeter; San Joaquin Valley points including Fresno and Bakersfield	Mar. 16, 1926
16205	12363	G. W. Stewart, F. W. Binkley, C. W. Dyson, S. R. Ecclestone, A. A. Ahlman and D. C. Davis	To operate auto stage service between various motion picture studios in Los Angeles and Hollywood and any point in California	Mar. 16, 1926
16206	12366	B. W. Switzer (Switzer Van and Storage)	To operate auto truck business	Mar. 16, 1926
16207	12376	Mortimer Callaway	To operate auto truck service—San Dimas and packing houses within radius of 60 miles thereof	Mar. 16, 1926
16225	11680	Pellegri Brothers	To operate motor freight service for hauling farm products, etc., on call, from point to point in San Joaquin county	Mar. 18, 1926
16226	11753	John R. Hale	To operate auto freight service—Victorville and Barstow, Redlands, Banning, Calipatria, Holtville, Calexico, National City, San Diego, Santa Barbara, Bakersfield and Randsburg and Trona	Mar. 18, 1926
16227	11860	H. W. Hatcher	To operate auto freight service exclusively for Hammond Lumber Company in city of Los Angeles and nearby towns and cities	Mar. 18, 1926
16228	11880	Los Gatos Transfer Company	To operate freight and baggage service on call between California towns	Mar. 18, 1926

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TABLE B—DISMISSALS (Applications)—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Date
16229	11881	E. G. Fairbank	To operate auto freight, express or baggage service—Manteca and within radius of 100 miles thereof	Mar. 18, 1926
16230	11822	Kingsburg Transfer Company	To operate auto truck service	Mar. 18, 1926
16231	11908	John Doudell	To operate auto freight service—within radius of 50 miles of city of San Jose, Santa Clara county	Mar. 18, 1926
16232	12019	Samuel C. Shine	To operate auto truck service between all points in California	Mar. 18, 1926
16233	12026	Harvey Phillips	To operate auto truck service between all points in California	Mar. 18, 1926
16234	12171	George H. Wager	To operate auto truck service for building materials, etc., between San Bernardino and points in southern California within radius of 150 miles thereof	Mar. 18, 1926
16235	12238	William S. Dakin	To operate auto truck service—Los Angeles Harbor points and points in southern California within radius of 150 miles thereof	Mar. 18, 1926
16236	12247	Henry H. Shook	To operate auto truck service within radius of 75 miles of applicant's terminal	Mar. 18, 1926
16237	12252	L. N. Moore	To operate auto truck service—Vernon and within radius of 150 miles	Mar. 18, 1926
16238	12322	L. C. Chunn	To operate auto truck service—within radius of 20 miles of Exeter; points in portion of Tulare Lake region, San Joaquin Valley, Fresno, Delano	Mar. 18, 1926
16239	12333	C. H. Eichler	To operate auto freight service—Yorba Linda district, Orange County, and radius of 45 miles therefrom	Mar. 18, 1926
16240	12339	Bernarr F. Baiser	To operate general trucking service on call within radius of 25 miles of Cudahy	Mar. 18, 1926
16241	12380	A. G. Gruber	To operate auto truck service—Whittier and radius of 150 miles	Mar. 18, 1926
16242	12382	Pioneer Warehouse Company	To operate auto truck service—San Diego and radius of 150 miles	Mar. 18, 1926
16243	12436	E. A. Rincon	To operate auto truck service—Imperial Valley within radius of 20 miles of Brawley; San Joaquin Valley within radius of 30 miles of Fresno and within radius of 30 miles of Delano	Mar. 18, 1926
16244	12006	Frank A. Guerero and Company	To operate auto truck service—Los Angeles Harbor points and points in southern California within radius of 150 miles thereof	Mar. 18, 1926
16245	12017	E. W. Robinson	To operate auto truck service—all points in California	Mar. 18, 1926
16246	12018	W. E. Hathaway	To operate auto truck service—all points in California	Mar. 18, 1926
16247	12174	John R. Foster	To operate auto truck service—Los Angeles and radius of 150 miles	Mar. 18, 1926
16264	11290	Diamond Ridge Water Company	To discontinue public utility service	Mar. 19, 1926
16265	11426	Clyde Sluthour	To operate auto freight service—Kingsburg and other cities in San Joaquin Valley	Mar. 19, 1926
16266	11486	The G. W. Thomas Drayage and Rigging Company	To operate auto freight service between all points in California	Mar. 19, 1926
16267	11809	Belyea Truck Company	To operate auto freight service south of line drawn through Fresno and San Luis Obispo	Mar. 19, 1926
16268	11957	J. B. Bocarde Drayage Company	To operate auto freight service—San Francisco and radius of 100 miles thereof	Mar. 19, 1926
16269	11639	A. J. Becker	To operate auto truck service—San Francisco and radius of 200 miles	Mar. 19, 1926
16270	11640	Pierce-Rodolph Storage Company	To operate motor truck service—San Francisco and radius of 60 miles	Mar. 19, 1926

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16271	11641	D. C. Bole (Signal Transfer and Storage Company)	To operate auto truck service—San Francisco and radius of 200 miles	Mar. 19, 1926
16272	11909	J. W. Poole Drayage and Storage Company	To operate auto truck service within radius of 100 miles of Redwood City	Mar. 19, 1926
16273	11910	Palo Alto Transfer and Storage Company	To operate motor truck service—Palo Alto and radius of 200 miles	Mar. 19, 1926
16274	12009	Thompson Brothers, Inc.	To operate auto freight service—San Francisco and radius of 100 miles	Mar. 19, 1926
16275	12020	Ralph White	To operate auto truck service in California	Mar. 19, 1926
16276	12054	King and Company	To operate auto truck service within radius of 125 miles of San Francisco	Mar. 19, 1926
16277	12056	J. C. Baker	To operate auto truck service within Imperial County, also locally between points in Fresno County during certain seasons of each year	Mar. 19, 1926
16278	12190	Hollywood Highland Transfer	To operate auto truck service for transfer of household goods, baggage and freight service—Los Angeles and radius of 50 miles	Mar. 19, 1926
16279	12136	John Golonka	To operate auto truck service—Piru, Ventura County, and all points within radius of 150 miles thereof	Mar. 19, 1926
16280	12172	Con Driscoll	To operate auto freight service for transporting lumber—Los Angeles and within radius of 150 miles thereof	Mar. 19, 1926
16281	12204	Ray Lindsey	To operate auto truck service—Los Angeles Harbor points and all points in southern California within radius of 150 miles thereof	Mar. 20, 1926
16282	12237	White Truck and Transfer Company	To operate auto truck service between all points in California	Mar. 20, 1926
16283	12282	Western Warehouse and Transfer Company	To operate motor freight service within radius of 40 miles of Los Angeles	Mar. 20, 1926
16284	12337	L. F. Windbigler and A. E. Baker	To operate auto truck service between Watts and radius of 150 miles	Mar. 20, 1926
16285	12360	Montrose Transfer Company	To operate general trucking service, on call between Montrose and within radius of 30 miles	Mar. 20, 1926
16286	12364	W. R. Ballinger and Son	To operate auto freight service—San Francisco and all points in California	Mar. 20, 1926
16287	12365	Fannie Goldman and M. H. Levy	To operate general merchandise service to and from points within 30 miles of San Francisco	Mar. 20, 1926
16288	12388	Carley & Hamilton, Inc.	To operate auto freight service within radius of 40 miles of San Francisco	Mar. 19, 1926
16304	11580	Louis Heite and Son	To operate auto truck service within radius of 150 miles of Healdsburg	Mar. 25, 1926
16305	11663	Olson Brothers Company	To operate auto truck service between San Francisco and East Bay cities; and San Jose; and San Rafael and Fairfax and intermediate points	Mar. 25, 1926
16306	11854	Overland Freight Transfer Company	To operate auto freight service—Oakland, Alameda, Berkeley, Emeryville, Piedmont, Richmond, Albany and San Francisco, and within radius of 100 miles	Mar. 25, 1926
16307	11918	Bankston Brothers Truck Company	To operate auto truck service—Delano, Bakersfield, McKittrick, Taft, Maricopa, Mojave, Saugus, Santa Barbara, Ventura, Santa Paula and Fillmore, on north; Los Angeles, San Bernardino, Riverside, Elsinore, Temecula and Oceanside, on the south, and intermediate points thereto	Mar. 25, 1926
16308	12021	Callie Renick (Renick and Company)	To operate motor freight service—San Luis Obispo, Coalinga, Fresno, Bakersfield, McKittrick, Taft, Mojave and Saugus, on the north; Victorville, San Bernardino, Riverside and Indio, on the east; Los Angeles, Pomona, Santa Ana, Elsinore, Temecula, Escondido, San Juan Capistrano, Oceanside and San Diego, on the south, and intermediate points	Mar. 25, 1926
16309	12063	S. M. Thomas and Clyde Hopper (Healdsburg and Santa Rosa Auto Freight Company)	To operate auto truck service, for transporting fresh fruit, dried fruit, hay in bales, box shooks, etc., within radius of 35 miles of Healdsburg	Mar. 25, 1926

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TABLE B—DISMISSALS (Applications)—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Date
16310	12096	Williams Brothers	To operate auto freight service—Fullerton, Buena Park, Placentia, and ranches in and around said territory	Mar. 25, 1926
16311	12180	F. Geiger Truck Company	To operate motor truck service throughout southern California	Mar. 25, 1926
16326	11976	W. O. Whealy	To operate auto truck service between Pomona and various points in southern California	Mar. 29, 1926
16327	11207	White Lines	For temporary permit to operate auto truck service for hauling grain, grain products, fruits, vegetables and live stock from ranches, etc., to Stockton	Mar. 29, 1926
16341	12305	Mission Storage Company	To operate auto truck service—Pasadena and within radius of 150 miles thereof	Mar. 30, 1926
16342	12310	Hollywood Auto Transfer and Storage Company	To operate auto truck service—Los Angeles and points within radius of 150 miles thereof	Mar. 30, 1926
16343	11299	Zinn & Whitty	To operate auto truck service out of Sanger to farms, etc.	Mar. 30, 1926
16344	11357	John Slason	To operate auto truck service—San Luis Obispo and Los Angeles—Los Angeles Harbor and points intermediate to Fullerton	Mar. 30, 1926
16345	11367	W. D. Rhind	To operate auto freight service within radius of 75 miles of Sanger	Mar. 30, 1926
16346	11375	Percy K. Swan	To operate auto freight service—within radius of 250 miles of Chico	Mar. 30, 1926
16347	11432	M. H. Swift and R. F. Hill	To operate auto freight service—city of Napa, upon call, and other cities and towns	Mar. 30, 1926
16348	11460	A. P. Nessen	To operate motor truck service—Thornton and Sacramento and other points	Mar. 30, 1926
16349	11482	Frank Fritschle	To operate auto truck service—county of Ventura and counties of Santa Barbara, Los Angeles, Orange, Riverside and San Luis Obispo	Mar. 30, 1926
16350	11984	S. B. Holden	To operate auto truck service—San Dimas and points within radius of 50 miles thereof	Mar. 30, 1926
16351	12085	DeClusin & Judson	To operate auto freight service in Stockton and Manteca territory	Mar. 30, 1926
16352	12099	Santa Ana Transfer Company	To operate auto truck service—Santa Ana and points in southern California within radius of 150 miles thereof	Mar. 30, 1926
16353	12202	Ray S. Hessler	To operate auto truck service for oil well supplies, etc., between all points in California	Mar. 30, 1926
16354	12206	Speed and Service Truck Company	To operate auto truck service for oil well supplies, etc., between all points in California	Mar. 30, 1926
16355	12207	Robert L. Chambers	To operate auto truck service for oil well supplies, etc., between all points in California	Mar. 30, 1926
15356	12230	Premier Fireproof Storage Company	To operate an auto truck service—Los Angeles and points within radius of 150 miles thereof	Mar. 30, 1926
16357	12232	Morrison Transfer, Van and Storage Company, Inc.	To operate auto truck service—Pasadena and points within radius of 150 miles thereof	Mar. 30, 1926
16358	12234	Nold Transfer and Storage Company	To operate auto truck service—Pasadena and points within radius of 60 miles thereof	Mar. 30, 1926
16359	12100	C. E. Nicholson	To operate auto truck service—Los Angeles and points within radius of 150 miles thereof	Mar. 30, 1926
16360	12101	Lathim's Transfer and Fireproof Storage Company	To operate auto truck service—Santa Barbara and all points within radius of 150 miles thereof	Mar. 30, 1926
16361	12102	C. C. Colyear	To operate auto truck service—Los Angeles and within radius of 150 miles thereof	Mar. 30, 1926

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16362	12104	P. Hanewinckel	To operate auto truck service—Long Beach and points within radius of 150 miles thereof	Mar. 30, 1926
16363	12107	Oneonta Transfer and Storage	To operate auto truck service—South Pasadena and within radius of 150 miles thereof	Mar. 30, 1926
16364	12108	Joseph L. Zerboni	To operate auto truck service—Ocean Park and points within radius of 150 miles thereof	Mar. 30, 1926
16365	12109	Shear Transfer and Storage Company	To operate auto truck service—Santa Monica and points within radius of 150 miles thereof	Mar. 30, 1926
16366	12110	Redman Fireproof Warehouse Company	To operate auto truck service—Santa Monica and points within radius of 150 miles thereof	Mar. 30, 1926
16367	12111	A. G. Hoffman	To operate auto truck service—Pasadena and points within radius of 150 miles thereof	Mar. 30, 1926
16368	12112	Pasadena Transfer and Storage Company	To operate auto truck service—Pasadena and points within radius of 150 miles thereof	Mar. 30, 1926
16369	12113	Walker Van and Storage Company	To operate auto truck service—Los Angeles and within radius of 150 miles thereof	Mar. 30, 1926
16370	12114	William L. Carpenter	To operate auto truck service—Los Angeles and points within radius of 150 miles thereof	Mar. 30, 1926
16371	12115	C. E. Turner	To operate auto truck service—Monrovia and points within radius of 60 miles thereof	Mar. 30, 1926
16372	12130	C. A. Ables	To operate auto truck service—Riverside and points within radius of 150 miles thereof	Mar. 30, 1926
16373	12137	W. H. Fisher	To operate auto truck service—between all points in California	Mar. 30, 1926
16374	12138	John E. Wagner	To operate auto truck service for oil well supplies, etc., between all points in California	Mar. 30, 1926
16375	12139	Crail Brothers	To operate auto truck service for oil well supplies, etc., between all points in California	Mar. 30, 1926
16376	12140	Marvin E. Wightman	To operate auto truck service for oil well supplies, etc., between all points in California	Mar. 30, 1926
16377	12141	J. F. West	To operate auto truck service for oil well supplies, etc., between all points in California	Mar. 30, 1926
16378	12179	Warren Clever	To operate auto truck service—San Luis Obispo and points in southern California	Mar. 30, 1926
16379	12181	Thos. W. Yeats (Fullerton Transfer and Storage Company)	To operate motor freight service—San Luis Obispo, Fresno, etc., and various points in southern California	Mar. 30, 1926
16380	12162	Jack Jentges	To operate motor freight service—San Luis Obispo, Fresno, etc., and various points in southern California	Mar. 30, 1926
16381	12183	E. M. Burris	To operate motor freight service—San Luis Obispo, Fresno, etc., and throughout southern California	Mar. 30, 1926
16382	12184	J. M. Penn	To operate motor freight service—San Luis Obispo, Fresno, etc., and throughout southern California	Mar. 30, 1926
16383	12185	Tom Craig	To operate motor freight service—Brea, Santa Ana, Anaheim, Fullerton, Orange, Santa Fe Springs, Long Beach, Wilmington and points within Los Angeles County and intermediate points thereto	Mar. 30, 1926
16384	12186	Chas. H. Mills	To operate motor freight service—San Luis Obispo, Fresno, Bakersfield, Mojave, etc., and various points in southern California	Mar. 30, 1926
16385	12311	P. Mazzer	To operate auto truck service—Whittier and points within radius of 150 miles thereof	Mar. 30, 1926
16386	12326	Whittier Transfer and Storage Company	To operate auto truck service—Whittier and points within radius of 150 miles thereof	Mar. 30, 1926
16387	12328	J. R. Trissel	To operate auto truck service—Whittier and points within radius of 150 miles	Mar. 30, 1926
16388	12379	Charles Brown	To operate auto truck service for oil well supplies, etc., between all points in California	Mar. 30, 1926
16389	12381	L. E. Jenkins	To operate auto truck service for oil well supplies, etc., between all points in California	Mar. 30, 1926
16395	11833	J. C. Barrow and F. G. Lewis	To operate auto freight service between ranches in vicinity of Arlington Heights and Arlington Heights packing house	Apr. 2, 1926

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TABLE B—DISMISSALS (Applications)—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Date
16403	11450	William M. Dugdale	To operate motor freight service between Staten Island, San Joaquin County, and between points in San Joaquin and Sacramento counties	Apr. 2, 1926
16404	11862	Julius Rath	To operate auto truck service—ranches in North Whittier Heights (Happy Valley) and Hillgrove and Puente; between Los Angeles and Orange County	Apr. 2, 1926
16405	11879	W. I. Young	To operate auto freight and baggage service—points in California	Apr. 2, 1926
16418	9712	City of Los Angeles	To construct railroad track in Anaheim street across track of Pacific Electric Railway Company	Apr. 5, 1926
16419	11551	A. G. Fledderman	To operate auto freight service—points in Siskiyou, Trinity, Shasta, Modoc, Tehama and Lassen counties	Apr. 5, 1926
16420	12422	E. T. Menard	To operate auto truck service—Los Angeles and Imperial Valley points	Apr. 5, 1926

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TABLE C—AUTO STAGE APPLICATIONS.

Dec. No.	App. No.	Applicant	Nature of proceedings	Action	Date
15342	11628	A. F. Schwartz and F. A. Oder	Former to sell to latter one-half interest in auto truck lines—Los Angeles and Inglewood and Los Angeles and Redondo Beach and intermediate points	Granted	Aug. 26, 1925
15343	10711	Frank Word	To operate passenger and express auto stage service—point on Nevada-California state line near Reno Junction and Loyalton, California	Granted	Aug. 26, 1925
15348	11635	Josie M. Schlageter and C. C. Schlageter	Former to sell to latter half interest in auto passenger and express line, Merced and Mariposa	Granted	Aug. 27, 1925
15363	11593	G. A. McCrory (Pescadero Stage Line)	To sell operative rights, Pescadero-Santa Cruz, to Coastside Transportation Company; stock, to issue and sell	Granted	Sept. 3, 1925
15366	11651	Rice Transportation Company, Inc., and Zimmerman Brothers	Former to sell to latter operating right for auto freight line—Los Angeles and Long Beach and intermediate points	Granted	Sept. 3, 1925
15371	10940	A. Pasquini	To operate auto passenger, baggage and freight service—Sacramento and Yuba City and intermediate points of Elkhorn, Verona, Nicolaus, Tudor, Abbott and Oswald	Denied	Sept. 4, 1925
15373	11662	Dunham Stage Lines	To operate auto stage service—Ione and Mokelumne Dam in conjunction with service between Sacramento and Jackson	Granted	Sept. 4, 1925
15378	10949	D. Del Porto and E. M. Burner	Former to sell to latter auto stage line—Bakersfield and Lost Hills, via Lerdo, Page and Wasco	Granted	Sept. 11, 1925
15385	11383	C. F. Whipple (Dardanelle Stage Line)	To operate auto passenger, express and light freight service—Jamestown and Melones Dam Site	Granted	Sept. 12, 1925
15391	C2102	Pacific Auto Stages and Peninsula Rapid Transit Company vs. Auto Transit Company	To have defendant cease operating auto stage—San Francisco and Santa Cruz, excepting Menlo Park	Granted	Sept. 12, 1925
15411	11117	Charles A. Higgins, Jr.	To operate auto truck service—San Diego, Bonita and Sunnyside	Granted	Sept. 19, 1925
15412	11186	R. J. Kimbrough, Sr.	To extend present service for transportation of milk to serve territory five miles south and 1½ miles west to Santa Ana River between Greenville and Costa Mesa to Pacific Ocean	Granted	Sept. 19, 1925
15413	11223	Mario and Peter Marengo	To operate auto freight truck service between dairy ranches in vicinity of Cudahy, Workman and County Farm and Los Angeles	Granted	Sept. 19, 1925
15414	11152	N. E. and W. D. Johnson	To operate auto truck service for hauling milk, etc., between Puente, Baldwin Park, certain intermediate points, and Los Angeles	Granted	Sept. 19, 1925
15415	11232	S. A. Gates	To operate milk and supply service between Antelope Valley points and Los Angeles	Granted	Sept. 19, 1925
15416	11507	James Orr and J. W. Stoft	To sell and Elmer L. Webb and Roy C. Webb to purchase auto passenger and freight line—San Pasqual Valley and San Diego	Granted	Sept. 19, 1925
15418	11673	Vern Linville and Wm. Frailey	Former to sell to latter one-half interest in auto passenger and freight line—Alturas and Cedarville	Granted	Sept. 19, 1925

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TABLE C—AUTO STAGE APPLICATIONS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Action	Date
15419	11677	West Coast Transit Company	To abondon auto stage service between Arcata and Samoa	Granted	Sept. 19, 1925
15438	11705	Ernest R. Blue and Floyd Benson Smith	Former to sell to latter two auto passenger and small freight lines between Chico, Butte County, and Hamilton City, Glenn County, and Chico, and Willows, Glenn County	Granted	Sept. 21, 1925
15444	11697	C. W. Bremmer and Redding-Weaverville Stage Company	Former to sell and latter to purchase auto passenger and freight line—Weaverville and Big Bar, Trinity County	Granted	Sept. 23, 1925
15446	11709	Peninsula Parcel Delivery (J. E. Casey) and United Parcel Service	Former to transfer to latter operative rights between San Francisco, San Jose and intermediate points	Granted	Sept. 23, 1925
15454	11434	Los Angeles Railway Corporation	To operate auto bus service—order denying rehearing	Denied	Sept. 23, 1925
	11499	D. B. Maurice and Frank Atkinson			
15455	11099	H. J. Jennings	To operate auto freight service—Hynes and Los Angeles	Granted	Sept. 24, 1925
15457	11180	W. R. Bennett	To operate auto truck service for transportation of milk—Artesia District to Los Angeles	Granted	Sept. 24, 1925
15458	11181	R. E. Robson	To operate auto truck service for transportation of milk and dairy feed—Hynes, Clearwater, Downey, Bellflower and Los Angeles	Granted	Sept. 24, 1925
15459	11266	Bob Arutoff	To operate auto freight service—Los Angeles and dairy ranches in vicinity of Athens and Rosecrans	Granted	Sept. 24, 1925
15461	11268	Joe Bozoff and Acop Tarvoff	To operate motor freight milk service—Gardena, Torrance, Dominguez and Los Angeles	Granted	Sept. 24, 1925
15467	10874	United Parcel Service	To extend operative rights to Richmond, San Leandro and Hayward	Granted	Sept. 25, 1925
15469	11548	Tonopah Trucking Company, Inc.	To operate auto passenger, baggage and express service—Big Pine and point on California-Nevada state line near Oasis	Granted	Sept. 26, 1925
15475	10592	Mark W. Gordon	To operate auto passenger, baggage, express and freight service—Fortuna and Bridgeville, via Fortuna, Rohnerville, Hydesville, Carlotta, American Tank Co., Riverside, etc.	Granted	Oct. 1, 1925
15476	11000	Henry Smith	To operate auto freight service—Fresno and Sultana, Orosi, Cutler, Yettem and Orange Cove and intermediate points	Granted	Oct. 1, 1925
15477	11168	Clark Brothers	To operate auto truck line for transportation of berries, green fruit and vegetables only between Aptos, Watsonville, Aromas, Betabel and San Juan, on the one hand, and San Francisco, Oakland, Mountain View and San Jose, on the other hand	Granted	Oct. 1, 1925
15478	11061	Frailey and Linville	To operate auto truck service—Alturas and Fort Bidwell, serving Cedarville, Lake City and intermediate points	Granted	Oct. 1, 1925
15479	11671	Mount Lassen Transit Company	To acquire operative rights and equipment of J. W. Houk and J. H. Smith, copartners, doing business under names of Houk and Smith Stage Company, Chico-Westwood-Susanville Stage Company and Lassen Transit Company, and to issue common capital stock	Granted	Oct. 1, 1925

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15493	11714	Anna Martinelli, widow and sole heir of estate of E. Martinelli	To sell and transfer one-third interest in auto truck line operating between Oakland and San Francisco to T. Landi and A. Pardini, copartners	Granted	Oct. 5, 1925
15494	10860	Chico-Redding Freight Line (M. Bernardo)	To operate auto truck line—Chico and Red Bluff, serving also Nord, Cana, Vina, Los Molinos, Tehama, Gerber and Proberta	Granted	Oct. 7, 1925
15495	10880	A. E. Mallett and Gene Antichi (Sacramento-Corning Freight Line)	To operate auto truck line—Sacramento and Richfield, Red Bluff, Cottonwood, Anderson and Redding	Denied	Oct. 7, 1925
15496	11211	West Coast Transit Company	To establish through one-way and round-trip passenger fares between San Francisco, Sausalito and San Rafael, on one hand, and points on Ukiah-Clear Lake division, on the other hand	Granted	Oct. 7, 1925
15505	9954	Sierra Transit Company	To operate auto stage service—Auburn and Colfax and intermediate points of Bowman, Applegate and Weimar, in conjunction with service between Sacramento and Nevada City	Granted	Oct. 9, 1925
15517	10580	Peerless Stages, Incorporated	To operate auto stage service—Newark and Sunol and intermediate points of Centerville, Niles, Farwell and Brightside	Granted	Oct. 9, 1925
15528	11205	John Hamo and A. Semonian	To operate auto freight service for transporting milk and other dairy products between ranches in vicinity of Hynes, Clearwater and Downey to Los Angeles, and carry return loads of dairy supplies and feed	Granted	Oct. 15, 1925
15530	11166	T. R. Jakeway	To operate auto truck service for transportation of farm products—Los Angeles and San Marguerita Ranch in San Diego County, and also transporting beans only from San Marguerita Ranch to Oceanside	Granted	Oct. 15, 1925
	11121	C. E. Snyder	To extend present auto truck service to include transportation of milk and dairy supplies between Lynwood and Los Angeles and intermediate points	Granted	Oct. 15, 1925
15531	11257	Arutunian, Sahakian and Giegeroff	To operate motor freight service for transportation of milk, feed and dairy supplies between Dominguez Junction, Compton and Los Angeles, including Lynwood, Palomar and Florence	Granted	Oct. 15, 1925
15532	11124	Clement C. Floersch	To operate motor truck service for transportation of milk and dairy supplies only between San Ysidro, Nestor, Aztec City and Imperial Beach districts and city of San Diego, and general freight between San Diego and Aztec City	Granted	Oct. 15, 1925
15533	11505	Charles B. Bacon	To operate auto truck service for transporting milk, other dairy products, feed and dairy supplies, general freight and baggage, but not express, between southeast end of Dehesa Valley, Jamacha Valley and San Diego; no local service between San Diego and Lemon Grove	Granted	Oct. 15, 1925
15535	11239	O. J. Blakesley	To operate auto milk transportation service—Rivera, Los Nietos, Santa Fe Springs, Cudahy and Bell district, and Los Angeles and Huntington Park	Granted	Oct. 17, 1925
15547	11004	California Transit Company	To re-route stage service between Oakland and Stockton via Pleasanton; re-route service between Vallejo and Sacramento via Suisun and abandon service between Cordelia and Fairfield via Rockville	Granted	Oct. 21, 1925
15549	11813	Perry White and Dan M. Haskin	Former to sell to latter auto passenger, baggage and express service—Big Pine and point near Oasis	Granted	Oct. 21, 1925

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TABLE C—AUTO STAGE APPLICATIONS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Action	Date
15550	11713	Borderland Express (Wiley J. Gibson) and Pioneer Truck and Transfer Company (Stafford and Thacker)	To establish through auto truck service between San Diego and El Centro, and Brawley, Imperial, Heber and Calexico and intermediate points	Granted	Oct. 21, 1925
15551	11600	C. L. Costa	To operate motor truck service for transportation of milk—Artesia, Norwalk, Downey, Bell and Los Angeles	Granted	Oct. 21, 1925
15563	10418	San Rafael Freight and Transfer Company	To remove weight limitation of 60 pounds on express packages—Sausalito and Santa Rosa	Denied	Oct. 23, 1925
15578	10629	Martinez-San Francisco Express Company (Fred Ludekens) Merchants Express and Drayage Company and Santa Fe Express and Drayage Company	Fred Ludekens to operate auto truck service between Oakland and San Pablo, Pinole, Hercules, Rodeo, Oleum, Tormey and Selby; between Albany, El Cerrito, Stege Junction, San Pablo, Pinole, Hercules, Rodeo, Oleum, Tormey, Selby, Port Costa, Crockett and Martinez; and for all three companies to establish through routes and rates between their respective lines between San Francisco and San Pablo, Pinole, etc.	Granted	Oct. 29, 1925
15579	11844	George Langley (Langley Truck Line)	To sell to Harley A. Higdon and W. H. Sheets (Overland Transfer Company) auto truck line between Stockton and Lodi	Granted	Oct. 29, 1925
	10170	Joseph K. Hawkins	To operate auto truck service—Los Angeles and Victorville	Denied	Nov. 6, 1925
	10178	C. M. Bullock	To operate auto truck service—Victorville and Los Angeles	Denied	Nov. 6, 1925
15595	10195	K. M. Stevenson	To operate auto freight service—Los Angeles and Victorville, without intermediates, and between Victorville and 10 miles north or 30 miles east and west thereof	Granted	Nov. 6, 1925
	10198	Robert M. Kelley	To operate auto truck service—Los Angeles and Victorville	Denied	Nov. 6, 1925
15598	11847	Central Stage (George W. Duke)	To operate auto passenger, baggage and express service—Weed and Grass Lake and Camps 1, 2, 3, and 4 and Morrison	Granted	Nov. 6, 1925
15599	11853	G. A. Lau and Company and Frizelle, Eales and Company	Former to sell and latter to purchase auto freight line for transporting eggs and egg cases—Cotati and Petaluma	Granted	Nov. 6, 1925
15609	11877	J. R. Proctor and C. L. Fortier and Sons	Former to sell to latter auto freight express service—Fresno, Del Rey, Parlier and intermediate points	Granted	Nov. 7, 1925
15638	11081	West Coast Transit Company	To consolidate operative right between Healdsburg and Santa Rosa with general operations from San Francisco to Eureka and other points in northern California	Granted	Nov. 14, 1925
15642	11901	L. E. Mershon and John D. Kwis	Former to sell to latter 15 per cent interest in auto freight line—Fresno and Los Angeles	Granted	Nov. 14, 1925
15646	7037	C. T. Lang	To increase certain passenger fares	Denied	Nov. 20, 1925
	7038	C. T. Lang	To operate auto stage service from La Mesa Heights into city of La Mesa	Denied	Nov. 20, 1925

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15647	11787	George A. Scott and Mount Lassen Transit Company	Former to sell to latter operative right between Susanville and Doyle and intermediate points	Granted	Nov. 20, 1925
15650	11974	T. Landi and A. Pardini	To sell to Tony Pimentel a one-half interest in auto freight line—San Francisco and Oakland	Granted	Nov. 20, 1925
15665	10748	Los Angeles and Santa Barbara Motor Express Company, Inc.	To extend service between Los Angeles and Santa Barbara to and including San Luis Obispo and intermediate points	Granted	Nov. 21, 1925
15666	11193	Santa Barbara Transfer Company	To operate auto freight, baggage and package service between Santa Barbara and adjacent territory; no package service to be given between Santa Barbara and Goleta, however	Granted	Nov. 21, 1925
15671	11079	City Transfer and Storage	To operate limited auto freight service—Oceanside and points within radius of 10 miles thereof, and Los Angeles, excepting points north of south line of Rancho San Marguerita	Granted	Nov. 21, 1925
15676	11971	West Coast Transit Company	To operate auto passenger, freight and express service—Leggett Valley, a point on main Eureka-San Francisco highway, and Rockport, a point on Mendocino County coast line, approximately six miles north of Westport	Granted	Nov. 21, 1925
15692	11093	Charles Kuppinger Company	To operate auto freight service—San Francisco and Kelseyville, Lakeport and Upper Lake; and between Petaluma, Kelseyville, Lakeport and Upper Lake; and between Santa Rosa and Kelseyville, Lakeport and Upper Lake	Denied	Nov. 30, 1925
15696	11913	W. R. Bennett and R. E. Robson	Fomer to sell to latter auto truck service for transportation of milk—Artesia district and city of Los Angeles	Granted	Nov. 30, 1925
15699	12064	G. E. Selby	To operate auto stage service—Monterey and Highland Inn and intermediate points only between Highland Inn and Carmel-by-the-Sea	Granted	Nov. 30, 1925
15714	11589	Henry S. Musgrave	To operate auto freight, express and passenger service—Yreka and Walker, Siskiyou County, and intermediate points	Granted	Dec. 5, 1925
15716	12119	Christopher C. Shinar	To sell and William H. Shackleford and Paul Colburn, copartners, to purchase, auto passenger and freight service—Yreka and Happy Camp, Siskiyou County	Granted	Dec. 5, 1925
15717	12145	Shoap and Porter Taxi and Transfer Company	To operate taxi and transfer service between San Bernardino and Riverside	Granted	Dec. 5, 1925
15723	10504	Pietro Riccomini and Riccardo Tunzi	To operate auto truck service for transporting cheese, canned milk, etc., from farms within zone seven miles on either side of state highway from Salinas to King City via Chualar, Gonzales, Soledad and Greenfield (excepting all territory within corporate limits of said cities) to San Francisco; and for transporting groceries, etc., from San Francisco to said farms, ranches and dairies	Granted	Dec. 7, 1925
15724	11258	Joe Bozoff and Acop Tarvoff	To operate auto truck service for transporting milk and dairy products between farms in vicinity of Clearwater, Hynes and Artesia and Los Angeles and return movement of dairy feed and supplies; and between Artesia, Bellflower, Clearwater, Hynes, Los Alamitos, Norwalk and Studebaker and Long Beach; no service to be performed between junction of Temple and Main streets in city of Compton and any point west of Los Angeles river, and shall receive no shipment more than one-half mile north of State street for transportation to Los Angeles	Granted	Dec. 7, 1925

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TABLE C—AUTO STAGE APPLICATIONS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Action	Date
15725	11278	H. C. Venable	To extend present service for transportation of milk and dairy supplies to include dairies on Montana Land Company's ranch, near Artesia, and to discontinue service to and from Clearwater	Granted	Dec. 7, 1925
15726	11279	J. M. Correia	To operate auto milk truck service—Norwalk, Artesia, Hynes, Clearwater and Los Angeles; no service to be given at any point north of one-half mile south of town of Norwalk	Granted	Dec. 7, 1925
15757	12133	V. C. Linville and Wm. Frailey	Former to sell to latter one-half interest in auto truck line between Alturas and Fort Bidwell	Granted	Dec. 16, 1925
15768	12280	A. H. Weston and W. H. Curson	To extend present service between Woodland and Knights Landing so as to serve Knights Landing and Robbins	Granted	Dec. 16, 1925
15773	11161	Isaac M. Artenian	To operate auto truck service—dairy ranches near Van Nuys, Lankershim and Burbank, and creameries in Los Angeles, Burbank and Glendale	Granted	Dec. 21, 1925
15774	11197	Ray A. Anderson	To operate auto truck service for transportation of milk, cream and dairy products between Arlington, Corona, Chino, Pomona, Riverside, Colton, Wineville, Ontario, and Narod, and Los Angeles and El Monte	Granted	Dec. 21, 1925
15775	11240	Joseph K. Hawkins	To operate auto truck service for transportation of milk, cream and dairy products—Pomona, Ontario, Chino, Wineville and Rincon districts, and El Monte and Los Angeles	Granted	Dec. 21, 1925
15776	12297	George W. Duke and Dean Hollinshead	Former to sell to latter auto passenger, baggage and express service—Weed and Grass Lake and intermediate points	Granted	Dec. 21, 1925
15781	12256	H. W. Egbert	To operate auto passenger, freight and express service—Meadow Valley and Bucks Ranch in connection with present service between Quincy and Meadow Valley	Granted	Dec. 21, 1925
15783	12292	D. H. Schiffmann and W. A. Junge	Former to sell to latter auto truck line between Los Angeles and Los Angeles Harbor District	Granted	Dec. 21, 1925
15784	12295	Charles H. Scott and Charles Hoss	To sell to Pacific Palisades Association an auto passenger service between Pacific Electric Railway's Utah avenue station in Santa Monica and Pacific Palisades	Granted	Dec. 21, 1925
15797	11267	F. W. Reed	To operate auto milk truck line between city of Los Angeles to Burbank, thence south via San Fernando road to Glendale, thence via San Fernando road into city of Los Angeles	Granted	Dec. 28, 1925
15798	11926	R. J. Walsworth and Birdie M. Macy	Former to sell to latter operating right for auto freight line between Los Angeles and Sierra Madre, and to consolidate with latter's present operations between Los Angeles and Pasadena and operate as one system	Granted	Dec. 28, 1925
15799	12062	K. M. Stevenson and Paul Shafer	Former to sell to latter one-half interest in auto freight line operated between Los Angeles and Victorville and adjacent territory	Granted	Dec. 28, 1925

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15801	12302	C. J. Graham and Joe Miller	Former to sell to latter auto passenger, baggage and express service between Hanford and Corcoran, known as Hanford, Corcoran Stage Line, provided Miller shall not link same with present service between Fresno and Hanford and Visalia and Lemoore	Granted	Dec. 28, 1925
15802	12304	Carl D. Hodge and Joseph H. Santen	Former to purchase from latter a one-half interest in auto passenger line between San Bernardino and Oro Grande	Granted	Dec. 28, 1925
15808	11246	G. I. Reis	To operate auto truck service between Los Angeles and Laguna Beach as extension of operative right between Los Angeles and Balboa Beach and intermediate points	Granted	Dec. 29, 1925
15819	11318	Frank Miller and H. L. Shrider	To operate auto truck service for transporting newspapers, moving picture films and film advertising between Los Angeles and Santa Barbara and intermediate points of Burbank, Lankershim, Owensmouth, Newhall, Saugus, Fillmore, Santa Paula, Oxnard and Ventura	Granted	Dec. 31, 1925
15823	12334	W. H. Cullen and Tolson Transportation System	Former to sell to latter operating right for auto truck line between Los Angeles and El Monte	Granted	Dec. 31, 1925
15825	12347	John H. Eagle and Tehachapi Transportation Company	Former to transfer to latter operating right for auto freight line between Los Angeles, on the one hand, and Randsburg, Johannesburg, Osdick, Inn City, Hampton and Atolia, on the other hand	Granted	Dec. 31, 1925
15834	10698	Motor Transit Company	To merge Dillingham leased auto stage lines with its eastern and southern divisions and operate same (with certain exceptions) as unified system	Granted	Jan. 13, 1926
	10710	Motor Transit Company	To merge so-called Cregar lines with operaton of eastern division (with certain amendments)	Granted	Jan. 13, 1926
15837	12319	Coast Line Stages, Inc.	To operate auto passenger, baggage and freight service—Fort Bragg and Duncan Mills and Fort Bragg and Rockport	Granted	Jan. 13, 1926
15839	12387	C. B. Locklin and R. W. Rogers	Former to sell to latter auto freight line between Sacramento and Vallejo	Granted	Jan. 13, 1926
15850	11749	Edward F. and Charles P. Lingo	To operate auto passenger, express and freight service—San Bernardino, Camp Cajon, Clydes Ranch, Wrightwood and Big Pines Recreation Camp, provided no freight or express service shall be given locally between San Bernardino and Camp Cajon and intermediate points	Granted	Jan. 14, 1926
15860	11823	H. W. Eichbaum	To operate auto stage service between Los Angeles and Stove Pipe Wells, and intermediate points between Darwin and Stove Pipe Wells	Granted	Jan. 15, 1926
15862	12412	H. O. Varrier	To sell to H. E. and P. W. Holmes an auto freight line between Sacramento and Yuba City and all intermediate points, and between Marysville and Sacramento and all intermediate points	Granted	Jan. 15, 1926
15889	12443	Pietro Riccomini and Riccardo Tunzi (Salinas Valley Freight Line)	Riccomini to transfer to Louis Costa his one-half interest in auto truck line between San Francisco and ranches in vicinity of Salinas	Granted	Jan. 21, 1926
15891	11296	B. F. Morris and Milton Fisher (Morris Draying Company)	To operate auto freight service between San Francisco and Oakland, Emeryville and Berkeley; also Morris to transfer to Fisher a one-fifth interest in said Morris Draying Company for sum of $12,000	Granted	Jan. 22, 1926
15892	12397	William H. Anderson and R. R. Wilson	Former to sell to latter auto stage line between Mojave and Randsburg, Johannesburg and Searles	Granted	Jan. 22, 1926

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TABLE C—AUTO STAGE APPLICATIONS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Action	Date
15903	12390	R. Gotelli	To sell one-half interest in auto freight service between San Francisco and San Mateo County points in vicinity of Colma and Pedro Valley to H. Ricci and L. Imperatori, and with M. Maffei and G. B. Podesta, each of whom owns a one-quarter interest in above operating right, to operate under the name of City Auto Express and Drayage Company; also for Alfred Bandettini and Angelo Villanti, operating service between Pedro Valley, Colma and San Francisco, to sell one-sixth interest to each M. Maffei, G. B. Podesta, H. Ricci and L. Imperatori, and to consolidate said rights	Granted	Jan. 26, 1926
15907	12462	Amy Goodwin Harvey, as administratrix of estate of James A. Harvey	To transfer operating right for auto passenger and freight service between Santa Cruz and Boulder Creek and intermediate points to Amy Goodwin Harvey individually	Granted	Jan. 26, 1926
15919	12409	H. C. Venable	To operate auto truck service for transporting milk only between Los Angeles and Glendale	Granted	Feb. 2, 1926
15933	12473	Joseph J. Ratto and Enrico N. Cuneo	Former to sell and latter to purchase auto passenger and freight service—Jackson and Volcano and intermediate points	Granted	Feb. 5, 1926
15934	12479	D. B. Maurice and Frank Atkinson	To re-route portion of auto stage service in Los Angeles	Granted	Feb. 5, 1926
15942	10935	Carl Phelps	To operate auto passenger and baggage service—Weed and Yreka, serving Gazelle and Granada	Granted	Feb. 6, 1926
15943	11213	J. Paulsen	To operate auto truck line between Lower Lake, Kelseyville and intermediate points, and for transporting packing house supplies from Hopland to foregoing points	Denied	Feb. 6, 1926
15946	11911	Elmer F. Smith	To operate auto truck service for transportation of chinaware, building materials, plaster, etc., between Burbank and Santa Barbara, Bakersfield, Pomona, El Centro, Santa Ana, San Diego, Santa Monica and Balboa and intermediate points	Granted	Feb. 6, 1926
15958	12472	John Hamo and A. Semonian	To sell to Isaac Sahkarian, Tom Kardasian and Joe Puremian operating right for auto truck service for transportation of milk and other dairy products—Los Angeles and ranches in vicinity of Hynes, Clearwater and Downey	Granted	Feb. 8, 1926
15968	11146	A. B. Watson (Crown Stage Lines)	To operate auto passenger and baggage service between Huntington Beach and Long Beach by way of Seal Beach, as extension of present service, and through service between Santa Ana and Long Beach, and Riverside and Long Beach via Seal Beach; no service to be given locally between Huntington Beach and Seal Beach	Granted	Feb. 9, 1926
15969	12493	M. F. and F. V. Sanclemente and B. H. Steele, copartners	To sell and H. M. Hutchinson to purchase auto freight line—San Diego and Tia Juana	Granted	Feb. 9, 1926

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15996	11316	The Relph Transportation Company	To operate auto freight line for transporting dairy products and supplies—vicinity of Ontario to Ontario and Los Angeles	Granted	Feb. 15, 1926
15999	11224	Olsen's Auto Service	To operate auto passenger and baggage service—Portola and Quincy	Denied	Feb. 15, 1926
16000	11816	Pickwick Stages System	To establish through inter-division fares over consolidated system	Granted	Feb. 15, 1926
16003	12445	Edw. A. Logsdon and F. W. Conkey	Former to sell to latter his interest in Pacific Coast Motor Coach Company, a copartnership, and F. W. Conkey and N. H. Robotham to sell operative rights and properties in such copartnership to Pacific Coast Motor Coach Company, a corporation, which is authorized to issue stock in payment therefor. Applicants operate between Newport Beach and San Juan Capistrano	Granted	Feb. 15, 1926
16006	12506	Mt. Lassen Transit Company	To operate auto stage service between Mineral, Tehama County, Lassen Volcanic National Park and intermediate points via Viola and Manzanita Lake	Granted	Feb. 15, 1926
16007	12507	A. Lafranchi and Jas. Rusconi	Former to sell to latter auto passenger and freight line—San Geronimo and Nicasio, Marin County	Granted	Feb. 15, 1926
16012	12524	R. R. Young (Yosemite Transit) and California Transit Company	Former to sell and latter to purchase auto passenger and express lines between Stockton, Sonora, Tuolumne, Groveland and Carl Inn	Granted	Feb. 16, 1926
16021	11851	Frank P. Brown	To operate auto truck service for transportation of burnt clay products between Los Angeles and points on six routes, including points within radius of 20 miles on each side of main highways traversed on said routes	Granted	Feb. 20, 1926
16025	11907	Joe Besone and Emil Bonenso	To operate auto truck service for transportation of cotton—San Joaquin Valley to Los Angeles Harbor points, with return haul of oil field equipment to oil fields, and also for transportation of cotton within radius of 30 miles of Bakersfield	Denied	Feb. 23, 1926
16026	11967	R. F. Ware	To operate auto truck service, on demand, for transportation of power shovels, ditchers, hoists, etc.—Los Angeles and various points in southern California	Granted	Feb. 23, 1926
16027	12187	L. E. Hutson	To operate motor truck line—Los Angeles and Long Beach, Wilmington, San Pedro and intermediate points over routes designated by Health Department of city of Los Angeles	Granted	Feb. 23, 1926
16034	12077	George R. Seals	To operate auto passenger service—Halleck and San Bernardino	Dismissed	Mar. 2, 1926
16035	11301	Edmond H. De Mar	To operate auto truck freight service—Los Angeles Harbor points and Los Angeles, on the one hand, and Baldwin Park, Covina, Azusa, Glendora, San Dimas, La Verne, Pomona, Claremont and Upland, on the other hand	Granted	Mar. 2, 1926
16044	11413	C. E. Doty and J. A. Keithley	Former to transfer to latter operating right for auto freight line between Hopland and Kelseyville, and between Kelseyville and Calistoga via Middletown	Granted	Mar. 2, 1926
16045	12435	Key System Transit Company	To operate auto bus line in connection with Leona Heights car line to serve territory known as Melrose Highlands, Alameda County	Granted	Mar. 2, 1926
16053	12570	H. J. Jennings and R. E. Robson	Former to sell to latter auto truck freight line—Hynes and adjacent territory and Los Angeles	Granted	Mar. 2, 1926
16065	11788	William H. Jory	To operate auto truck service for transporting property for Federal Telegraph Company only between Palo Alto and San Francisco	Granted	Mar. 3, 1926

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TABLE C—AUTO STAGE APPLICATIONS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Action	Date
16070	12556	C. C. Schlageter and Yosemite Park and Curry Company	Former to sell and transfer to latter operating right for an auto stage service between Merced and Mariposa and intermediate points	Granted	Mar. 3, 1926
16076	11838	A. Camillo & Sons	To operate auto truck service between plant of Gladding, McBean and Company, only, in city of Los Angeles and various points in southern California	Granted	Mar. 3, 1926
16079	10665	F. M. Hodge, L. E. Mershon and H. A. Rose (San Joaquin Valley Transportation Company)	To operate auto freight service for creamery products between Goshen Junction and Riverdale as extension of service between Los Angeles and Fresno, and route trucks between Tulare and Delano for service north of Tulare and south of Delano	Granted	Mar. 4, 1926
	11819	G. W. Stellway	To operate on demand, motor truck service between Los Angeles and Wilmington and San Pedro, for transportation of newspapers in bales, junk, and hoop iron in reels in five ton lots or more	Granted	Mar. 8, 1926
16085	12082	J. O. Ernst	To operate motor truck service between Long Beach, and Wilmington and San Pedro, and between Los Angeles and Wilmington and San Pedro, for transportation of drugs, drug sundries, bicycles and motorcycles, etc	Granted	Mar. 8, 1926
16086	11985	Eagle Rock Auto Express (George A. Thompson)	To operate auto truck line for transportation of express and baggage between Eagle Rock (Los Angeles) and Pasadena, and Eagle Rock (Los Angeles) and Glendale	Granted	Mar. 8, 1926
16093	12566	Joseph Miller and California Transit Company	Former to transfer to latter operating rights for auto passenger and express service between Fresno, Hanford, Visalia and Lemoore and intermediate points, and between Hanford and Corcoran	Granted	Mar. 8, 1926
16097	12573	Motor Transit Company	To renew lease for one year of auto stage line between Maricopa and Taft, serving as intermediate point the community of Standard, now being operated by Charles E. Sansome	Granted	Mar. 8, 1926
16120	11835	C. E. Kimbrough	To extend present auto truck service for transporting motion picture films so as to serve theaters at Alhambra, Monterey Park, Lamanda Park, Sierra Madre, Arcadia, Monrovia, Azusa, Glendora and Baldwin Park and intermediate points	Granted	Mar. 8, 1926
16136	11365	W. I. Miller	To operate auto truck service for transportation of eggs from San Jacinto, Hemet, Winchester, Ethanac, Perris, West Riverside, on the one hand, and Los Angeles, on the other hand; and poultry from Los Angeles to West Riverside, Perris, Ethanac, Winchester, Hemet and San Jacinto	Granted	Mar. 11, 1926
16212	11549	George W. Hicks and George H. Rogers	To operate auto stage line between Hunter Square, in city of Stockton, and the junction of Waterloo Road and Diverting Canal, both in county of San Joaquin, with certain provisions	Granted	Mar. 17, 1926

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16213	12121	Thomas R. Carpenter (Inglewood Transit Bus Line)	To operate auto passenger service as extension of present service between Inglewood city at intersection of Queen and Market streets to Greenwood Park at intersection of Inglewood and Belleview avenues and intermediate points	Granted	Mar. 17, 1926
16220	12630	The Liberty Bus Line	To discontinue auto bus service between San Diego and Camp Kearney	Granted	Mar. 17, 1926
16254	12588	J. H. Fletcher and G. W. Cobb	Former to sell to latter his one-half interest in auto freight service between Fresno, Sanger, Centerville and intermediate points	Granted	Mar. 19, 1926
16255	12599	T. J. Torpie and A. Skeahan	To operate auto passenger and baggage service between Emigrant Gap and Foley's Camp and intermediate points of Bowman's Dam and Fall Creek and certain camps to be constructed	Granted	Mar. 19, 1926
16257	12607	City Transit, Inc., and Motor Transit Company	Former to sell to latter operating right for auto passenger service between Pomona, La Verne and San Dimas	Granted	Mar. 19, 1926
16259	12618	Johnson Brothers	To sell to George and Varous Kardashian operating right for auto freight line between Puente and Baldwin Park and certain intermediate points and Los Angeles	Granted	Mar. 19, 1926
16294	11666	Whittier Select Citrus Association	To operate auto truck service for transportation of citrus fruits between Whittier and Rivera and Wilmington and San Pedro, and of cull lemons between Whittier and Corona	Granted	Mar. 25, 1926
16298	11861	Robert E. Hunt (Coronado Transfer)	To operate motor truck service for general merchandise, pianos, trunks, etc., between San Diego and Coronado	Granted	Mar. 25, 1926
16300	12606	Isaac M. Artenian and F. W. Reed	Fomer to sell to latter auto freight line between Los Angeles and San Fernando Valley points	Granted	Mar. 25, 1926
16315	11227	Adam Baker	To operate auto truck service between Newport Beach, Balboa, Santa Ana, Fullerton, Corona, Riverside, Colton, Redlands, San Bernardino and Rialto and certain intermediate points	Granted	Mar. 29, 1926
16317	11550	Louis Zwissig, Joe Zwissig and Frank Zwissig	To operate auto truck line for transportation of milk between Decoto, Alameda county, and city and county of San Francisco	Granted	Mar. 29, 1926
16318	11576	R. W. Rasmussen and B. James	To operate auto freight service as carrier of milk and cream between Oakland, San Francisco, Alameda, Berkeley and Hayward, on the one hand, and Hayward, Decoto, Niles, Mission San Jose, Irvington, Newark, Centerville, Alvarado, Gilroy, Modesto and Hughson, on the other hand	Granted	Mar. 29, 1926
16330	11147	Joseph Barrere	To operate auto truck line for milk and cream between San Francisco, Oakland and Berkeley, on the one hand, and Crows Landing, Newman, Gustine and Los Banos, on the other hand	Granted	Mar. 30, 1926
16331	11259	Harding Brothers Truck Company	To operate auto truck service between ranches, etc., in southern California	Dismissed	Mar. 30, 1926
16332	11261	Clarence E. Hartman	To operate auto truck service for fresh fruits and vegetables only between Los Angeles and Burbank	Granted	Mar. 30, 1926
16333	11887	C. E. Hamilton	To operate auto truck service—Los Angeles and Los Angeles Harbor District, and Pomona and Ontario, for Hammond Lumber Company	Granted	Mar. 30, 1926
16334	12084	J. P. Tucker	To operate auto truck service—Los Angeles and Sawtelle, Glendale, Eagle Rock, Pasadena, Hollywood, Beverly Hills, Pomona, Ontario, Riverside, Redlands, etc.	Dismissed	Mar. 30, 1926
16338	12671	Brock C. Schreiber and J. R. Reeves	Former to sell to latter auto passenger and freight line between Point Reyes Station and Inverness	Granted	Mar. 30, 1926

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TABLE C—AUTO STAGE APPLICATIONS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Action	Date
16391	11368	T. F. Mathews	To operate auto truck service between Sacramento and Folsom, serving Oakfield, Citrus Heights Addition, Carmichael Colonies, Fairoaks, etc.	Granted	Apr. 2, 1926
16392	12083	W. A. and E. J. Kuntz	To operate motor truck line for transportation of products of Bishop and Company between Los Angeles and Calabasas, San Fernando, San Bernardino, Redlands, Corona, etc.	Granted	Apr. 2, 1926
16393	11571	W. B. Borders (Oakland Film Pickup)	To operate auto truck service as common carrier of motion picture films, equipment and supplies for motion picture theaters between San Francisco and Oakland, Alameda, Berkeley and Emeryville	Granted	Apr. 2, 1926
	11866	E. D. McDonald	To operate similar service between San Francisco and Oakland, Berkeley, Emeryville, Piedmont and Eden Township	Granted	Apr. 2, 1926
16394	11769	Victoria Misetich	To operate auto stage line between city of Sacramento and Broderick and Westgate, in county of Yolo	Granted	Apr. 2, 1926
16399	12670	Enrico N. Cuneo	To operate auto passenger, baggage and express service between Jackson and Cook's station and intermediate points of Pine Grove, Aqueduct, Pioneer Station, Barton's and Antelope	Granted	Apr. 2, 1926
16406	11214	K. Oganesoff and T. Oskanoff	To operate motor freight service for transportation of milk, cream and other dairy products and dairy supplies between ranches in vicinity of Bellflower, Hynes, South Artesia and Clearwater and Los Angeles and Long Beach	Granted	Apr. 5, 1926
16407	11363	Schneider Brothers	To operate as unified system auto truck service between Sacramento and Auburn, and intermediate points via Roseville, Rocklin, Loomis, Penryn and Newcastle; and between Sacramento and Wheatland and intermediate points, except Lincoln, via Roseville and Sheridan	Granted	Apr. 5, 1926
16413	12693	L. F. Thompson and Coast Line Stages, Inc.	Former to sell to latter auto passenger and freight line between Fort Bragg and Union Landing	Granted	Apr. 5, 1926

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TABLE D—GRADE CROSSINGS.

Dec. No.	App. No.	Applicant (and other parties)	Location	Action	Date
15345	11187	City of Vernon (Southern Pacific Company)	Forty-ninth Street	Granted	Aug. 27, 1925
15349	11598	Western Pacific Railroad Company (City and County of San Francisco)	Marin and Kansas Streets	Granted	Aug. 27, 1925
15358	11634	Oakdale Irrigation District and South San Joaquin Irrigation District	Vicinity of Jack Siding, Tuolumne County	Granted	Aug. 31, 1925
15360	11647	Western Pacific Railroad Company (City of Oakland)	Webster Street	Granted	Sept. 1, 1925
15374	11643	The Atchison, Topeka and Santa Fe Railway Company (County of Los Angeles)	Fifty-sixth Street	Granted	Sept. 4, 1925
15393	11682	Southern Pacific Company (City and County of San Francisco)	Twelfth Street, between Folsom and Kissling Streets	Granted	Sept. 14, 1925
15398	11652	The Western Pacific Railroad Company (City of Oakland)	Chestnut Street	Granted	Sept. 16, 1925
15399	11653	The Western Pacific Railroad Company (City of Oakland)	Ninth and Tenth Avenues	Granted	Sept. 16, 1925
15407	11683	Southern Pacific Company (City of Benicia)	"D" Street	Granted	Sept. 16, 1925
15409	11686	The Atchison, Topeka and Santa Fe Railway Company (County of Los Angeles)	Long Beach and Redondo Road at Torrance	Granted	Sept. 17, 1925
15421	11603	Hutchinson Lumber Company (County of Butte)	Cascade County Road	Granted	Sept. 19, 1925
15422	11676	Hutchinson Lumber Company (County of Butte)	Cascade County Road	Granted	Sept. 19, 1925
15423	11642	The Atchison, Topeka and Santa Fe Railway (City of Los Angeles)	Sixth Street between Mill and Mateo Streets	Granted	Sept. 19, 1925
15448	11658	Southern Pacific Company (City of El Centro)	New Street and Broadway	Granted	Sept. 23, 1925
15449	11664	Southern Pacific Company (City and County of San Francisco)	Berry and De Haro Streets	Granted	Sept. 23, 1925
15450	11691	Southern Pacific Company (City and County of San Francisco)	North Point street	Granted	Sept. 23, 1925
15453	11717	Los Angeles Railway Corporation (City of Los Angeles)	Ninth Street near Santa Fe Avenue	Granted	Sept. 23, 1925
15460	11209	City of El Monte (Pacific Electric Railway Company)	Hoyt Street	Denied	Sept. 24, 1925
15462	11532	City of San Marino (Pacific Electric Railway Company)	St. Albans Road and Winston Avenue	Granted	Sept. 24, 1925
15468	11690	Arcadia Bandini Baker Estate Company (County of Los Angeles)	Atlantic Avenue	Granted	Sept. 25, 1925
15483	11712	The Atchison, Topeka and Santa Fe Railway Company (City of Bakersfield)	S Street	Granted	Oct. 1, 1925
15487	11655	Commercial Centre Realty Company (City and County of San Francisco)	Jefferson and Mason Streets	Granted	Oct. 3, 1925
15515	11699	Pacific Electric Railway Company (City of Watts)	Shorb Avenue	Granted	Oct. 9, 1925
15520	11477	The Atchison, Topeka and Santa Fe Railway Company (City of Los Angeles)	Butte, Twenty-fourth, Soto, Lenard Streets, etc.	Granted	Oct. 9, 1925
15521	11745	Pacific Electric Railway Company (City of Redlands)	San Bernardino Avenue and Texas Street	Granted	Oct. 9, 1925
15536	11772	Southern Pacific Company (City of Berkeley)	Folger Avenue, Murray Street, Ashby Avenue and Burnette Street	Granted	Oct. 17, 1925
15537	11799	Southern Pacific Company (City of Berkeley)	Seventh Street (Corbin station)	Granted	Oct. 17, 1925
15548	11165	The Atchison, Topeka and Santa Fe Railway Company (City of Azusa)	Center Street	Denied	Oct. 21, 1925
15567	11826	Santa Maria Valley Railroad Company and Pacific Coast Railway Company (City of Santa Maria)	Section 15, T. 10 N., etc.	Granted	Oct. 23, 1925
15568	11831	Western Pacific Railroad Company (City and County of San Francisco)	Barneveld and Jerrold Avenues	Granted	Oct. 23, 1925
15574	11589	The Atchison, Topeka and Santa Fe Railway Company (City of Tulare)	Bush Street	Granted	Oct. 27, 1925
15575	11758	Los Angeles and Salt Lake Railroad Company (City of Pomona)	First Street and East End Avenue	Granted	Oct. 27, 1925
15580	11746	The Atchison, Topeka and Santa Fe Railway Company (City of San Diego)	N, Eighth, Seventh, Sixth Streets and Imperial Avenue	Granted	Oct. 29, 1925

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TABLE D—GRADE CROSSINGS—Continued.

Dec. No.	App. No.	Applicant (and other parties)	Location	Action	Date
15586	11868	Southern Pacific Company (City of Berkeley)	Ninth Street, Alley, Tenth Street, etc.	Granted	Oct. 29, 1925
15588	11886	Atlas Rock Company and Sierra Railway Company of California (County of Stanislaus)	Vicinity of Oakdale	Granted	Oct. 30, 1925
15592	11806	The Atchison, Topeka and Santa Fe Railway Company (City of Upland)	A Street, Third and Fourth Avenues	Granted	Oct. 31, 1925
15593	11873	Northwestern Pacific Railroad Company (Town of Windsor)	Railroad Avenue	Granted	Oct. 31, 1925
15610	11798	Pacific Electric Railway Company (City of Upland)	Fifth Avenue and A Street	Granted	Nov. 7, 1925
15611	11739	Southern Pacific Company (County of Stanislaus)	Vicinity of Turlock	Granted	Nov. 7, 1925
15612	11807	Southern Pacific Company (City and County of San Francisco)	Carroll Avenue, Third Street, etc.	Granted	Nov. 7, 1925
15613	11846	Southern Pacific Company (City of Calipatria)	Industrial Avenue	Granted	Nov. 7, 1925
15614	11869	Southern Pacific Company (City of Berkeley)	Harrison and Fourth Streets	Granted	Nov. 7, 1925
15615	11870	Southern Pacific Company (County of Solano)	County Road No. 271, vicinity of Vacaville	Granted	Nov. 7, 1925
15616	11874	Southern Pacific Company (Vicinity of El Centro)	Weagle Road	Granted	Nov. 7, 1925
15617	11893	Pacific Electric Railway Company (County of Los Angeles)	Pruess Road	Granted	Nov. 7, 1925
15618	11896	Southern Pacific Company (County of Siskiyou)	Vicinity of Dorris, County Road	Granted	Nov. 7, 1925
15619	11885	Southern Pacific Company (City of Oakland)	Kirkham and Twenty-second Streets	Granted	Nov. 7, 1925
15620	11905	San Francisco-Sacramento Railroad Company (County of Solano)	County Road at Molena Station	Granted	Nov. 7, 1925
15635	11992	Pacific Electric Railway Company (City of Los Angeles)	Glendale Boulevard, Park Avenue, etc.	Granted	Nov. 13, 1925
15657	11718	Southern Pacific Company (Sacramento County)	Vicinity of Meadows Station	Granted	Nov. 20, 1925
15663	11993	Southern Pacific Company (City of Sacramento)	Alley between A and B Streets, Seventeenth and Eighteenth Streets, etc.	Granted	Nov. 21, 1925
15664	11994	Southern Pacific Company (City of Los Angeles)	Alley between Mateo and Wilson Streets	Granted	Nov. 21, 1925
15673	11467	Butte County (Southern Pacific Company)	Near Oroville	Denied	Nov. 21, 1925
15677	11895	County of Contra Costa (The Atchison, Topeka and Santa Fe Railway Company)	Delta Road (under-grade) 3 miles east of Town of Antioch	Granted	Nov. 21, 1925
15680	12015	Southern Pacific Company (City of Oakland)	Twenty-sixth and Campbell Streets	Granted	Nov. 21, 1925
15703	11068	California Highway Commission (Orange County)	At Branagan, near Newport Beach	Granted	Nov. 30, 1925
15704	11722	The Atchison, Topeka and Santa Fe Railway Company (City of Vernon)	Jaboneria Road	Granted	Nov. 30, 1925
15705	11843	Los Angeles and Salt Lake Railroad Company (City of Long Beach and Los Angeles County)	Lincoln Street and Jackson, Harrison, Ohio Avenue and Lincoln Streets	Granted	Nov. 30, 1925
15727	11732	Los Angeles Junction Railway Company (City of Vernon)	Certain public streets	Granted	Dec. 7, 1925
15728	12127	The Atchison, Topeka and Santa Fe Railway Company (City of Berkeley)	West Street	Granted	Dec. 7, 1925
15733	12150	Southern Pacific Company (vicinity of Fresno)	California Avenue	Granted	Dec. 9, 1925
15734	10898	County of Stanislaus (Southern Pacific Company)	Near Montpelier	Denied	Dec. 10, 1925
15738	12147	Pacific Electric Railway Company (City of Los Angeles)	I and Vreeland Streets	Granted	Dec. 10, 1925
15748	11991	County of Ventura (Southern Pacific Company)	Orchard Drive	Granted	Dec. 11, 1925
15751	10653	County of Merced (Southern Pacific Company)	About one mile southeast of Merced	Denied	Dec. 15, 1925
15759	11997	County of Los Angeles (Pacific Electric Railway Company)	Hawthorne Avenue at Robinson Street	Granted	Dec. 16, 1925

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15763	10989	County of Fresno (The Atchison, Topeka and Santa Fe Railway Company)	Huntsman Avenue	Denied	Dec. 16, 1925
15764	11327	County of Merced (Southern Pacific Company)	Near easterly limits of city of Livingston	Denied	Dec. 16, 1925
15765	11440	County of Fresno (Southern Pacific Company)	Stroud Avenue	Denied	Dec. 16, 1925
15769	11744	City of Alhambra (Southern Pacific Company)	Lots I, N and between Lots D and O	Granted	Dec. 16, 1925
15770	12226	The Atchison, Topeka and Santa Fe Railway Company (City of Los Angeles)	Second Street at Vignes Street	Granted	Dec. 16, 1925
15771	12144	Santa Cruz County (Southern Pacific Company)	Santa Cruz-Davenport County Road (temp.)	Granted	Dec. 19, 1925
15785	12196	The Atchison, Topeka and Santa Fe Railway Company (City of Los Angeles)	Macy, Aliso, Ducommon and Le Roy Streets, and Alhambra Avenue	Granted	Dec. 21, 1925
15796	10652	County of Merced (Southern Pacific Company)	In Central Camp Colony	Granted	Dec. 28, 1925
15803	12227	The Western Pacific Railroad Company (City of San Leandro)	Thornton Street	Granted	Dec. 28, 1925
15810	12278	California Highway Commission (The Atchison, Topeka and Santa Fe Railway Company)	Near Oceanside	Granted	Dec. 29, 1925
15820	11649	City of Compton (Pacific Electric Railway Company	Elm Street	Granted	Dec. 31, 1925
15826	11740	Southern Pacific Company (County of Santa Clara)	Bailey Avenue and Fischer Avenue in vicinity of Coyote	Granted	Dec. 31, 1925
15831	12374	Southern Pacific Company (City of Oakland)	Kirkham Street	Granted	Jan. 13, 1926
15832	11741	Southern Pacific Company (County of Merced)	At Atwater	Denied	Jan. 13, 1926
15841	12398	The Atchison, Topeka and Santa Fe Railway Company (County of Kern)	County Road at Shafter	Granted	Jan. 13, 1926
15845	11961	Pacific Electric Railway Company (City of San Bernardino)	Rialto Avenue and D Street	Granted	Jan. 14, 1926
15846	12053	Southern Pacific Company (City of Los Angeles)	Alhambra and Griffin Avenues	Granted	Jan. 14, 1926
15851	12358	Pacific Electric Railway Company (City of Long Beach)	Daisy Avenue and Seventeenth Street	Granted	Jan. 15, 1926
15854	12216	Sacramento Northern Railway (City of Oroville)	High and Huntoon Streets	Granted	Jan. 15, 1926
15856	12341	City of Stockton (The Atchison, Topeka and Santa Fe Railway Company)	Washington and Edison Streets	Granted	Jan. 15, 1926
15859	11080	Town of San Anselmo (Northwestern Pacific Railroad Company)	Tamalpais Avenue and Main Street	Denied	Jan. 15, 1926
15863	11596	Southern Pacific Company (City and County of San Francisco)	Newcomb Avenue and Quint, Rankin, Selby and Toland Streets	Granted	Jan. 15, 1926
15864	12384	Western Pacific Railroad Company (Town of Hayward)	C Street	Granted	Jan. 15, 1926
15872	12420	Western Pacific Railroad Company (City of San Jose)	Lewis Street at Fifth Street	Granted	Jan. 18, 1926
15873	12423	Southern Pacific Company (City of Brawley)	B, C and D Streets	Granted	Jan. 18, 1926
15910	11136	City of Glendale (Pacific Electric Railway Company)	Gardena Avenue (temporary)	Granted	Jan. 29, 1926
15912	12430	The Atchison, Topeka and Santa Fe Railway Company (City of Elsinore)	Flint Street	Granted	Jan. 29, 1926
15913	12452	Southern Pacific Company (City of Oakland)	Portion of Surryhne and Thirty-fourth Streets	Granted	Jan. 29, 1926
15915	12442	The Western Pacific Railroad Company (City and County of San Francisco)	Portion of Loomis Street	Granted	Jan. 29, 1926
15916	12451	Southern Pacific Company (City of Oakland)	Sunnyside Street	Granted	Jan. 29, 1926
15917	12215	Sacramento Northern Railway (Town of Fairfield)	Union Avenue	Granted	Jan. 29, 1926
15927	12464	The Western Pacific Railroad Company (City and County of San Francisco)	Missouri and Connecticut Streets	Granted	Feb. 3, 1926
15935	12286	Los Angeles and Salt Lake Railroad Company (City of Los Angeles)	Elm Street and Cypress Avenue	Granted	Feb. 5, 1926
15937	12483	Southern Pacific Company (City of Brawley)	C Street	Granted	Feb. 5, 1926
15944	12406	Southern Pacific Company (Vicinity of Brighton)	Redding Avenue	Granted	Feb. 6, 1926
15945	12148	City of Inglewood (Pacific Electric Railway Company)	Stella Street	Granted	Feb. 6, 1926
15960	12456	Pacific Electric Railway Company (City of Los Angeles) (temporary)	Normandie Avenue	Granted	Feb. 8, 1926
15963	12484	Southern Pacific Company (vicinity of King City)	Lonoak Road	Granted	Feb. 8, 1926
15964	12490	Southern Pacific Company (City and County of San Francisco)	Carroll Avenue and across Keith Street	Granted	Feb. 8, 1926
15990	12489	Southern Pacific Company (City of Sacramento)	R Street	Granted	Feb. 15, 1926
16015	12487	Southern Pacific Company (City and County of San Francisco)	Twelfth Street	Granted	Feb. 17, 1926

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TABLE D—GRADE CROSSINGS—Continued.

Dec. No.	App. No.	Applicant (and other parties)	Location	Action	Date
16016	12512	Southern Pacific Company (City of San Jose)	Asbury Street	Granted	Feb. 17, 1926
16030	12554	Southern Pacific Company (City of Los Angeles)	San Fernando Road	Granted	Feb. 24, 1926
16054	12400	Central Pacific Railway Company and Southern Pacific Company (County of Siskiyou)	Two county roads	Granted	Mar. 2, 1926
16080	12475	Los Angeles and Salt Lake Railroad Company (City of Ontario)	Vine, Fern and Palm Avenues	Granted	Mar. 8, 1926
16081	12537	The Western Pacific Railroad Company (City of Stockton)	Yosemite Street	Granted	Mar. 8, 1926
16082	12538	The Western Pacific Railroad Company (City of Stockton)	San Jose Street	Granted	Mar. 8, 1926
16094	12508	Southern Pacific Company (City of San Leandro)	Antonio and Alvarado Streets	Granted	Mar. 8, 1926
16095	12540	Southern Pacific Company (City of Oakland)	First Street	Granted	Mar. 8, 1926
16096	12564	City of Fresno (Southern Pacific Company)	Los Angeles Avenue and Butler Avenue	Granted	Mar. 8, 1926
16121	12558	Southern Pacific Company (City of Delano)	Eleventh Avenue	Granted	Mar. 8, 1926
16209	12544	Southern Pacific Company (City of Sacramento)	Portions of R street, and across Twenty-second, Twenty-third, Twenty-fourth and Twenty-fifth Streets	Granted	Mar. 16, 1926
16216	12455	County of Los Angeles (Southern Pacific Company)	Hahn Road	Granted	Mar. 17, 1926
16217	12581	Southern Pacific Company (City of Oakland)	Twenty-second Avenue and Livingston Street	Granted	Mar. 17, 1926
16218	12605	Southern Pacific Company (City and County of San Francisco)	Harrison and Fifteenth Streets	Granted	Mar. 17, 1926
16221	12513	Southern Pacific Company (City and County of San Francisco)	Seventeenth, Harrison Streets and Treat Avenue	Granted	Mar. 18, 1926
16222	12515	County of Los Angeles (Pacific Electric Railway Company)	Jefferson Boulevard	Granted	Mar. 18, 1926
16223	12595	The Western Pacific Railroad Company (Town of Livermore)	M and N Streets	Granted	Mar. 18, 1926
16260	12525	Pacific Electric Railway Company (City of Los Angeles)	San Vicente Boulevard	Granted	Mar. 19, 1926
16291	12651	Southern Pacific Company (City and County of San Francisco	North Point, Taylor and Jones Streets	Granted	Mar. 25, 1926
16299	12431	City of El Monte (Pacific Electric Railway Company)	Hoyt Street	Granted	Mar. 25, 1926
16302	12459	The Atchison, Topeka and Santa Fe Railway Company (City of Hermosa Beach)	East Railroad Drive and Sixteenth Street	Granted	Mar. 25, 1926
16303	12582	Pacific Electric Railway Company (City of Pomona)	Fourth Street	Granted	Mar. 25, 1926
16320	12401	Western Pacific Railroad Company (City and County of San Francisco)	Brannan, Bryant, Harrison and Ninth Streets	Granted	Mar. 29, 1926
16322	12541	Southern Pacific Company (City of Compton)	Olive Street	Granted	Mar. 29, 1926
16323	12602	Alameda Belt Line (City of Alameda)	Clement Avenue	Granted	Mar. 29, 1926
16324	12639	Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company (City of Oakland)	Twenty-sixth, Campbell, Twenty-eighth and Ettie Streets	Granted	Mar. 29, 1926
16415	12527	Pacific Electric Railway Company (City of Los Angeles)	Exposition Boulevard and Hope Street	Granted	Apr. 5, 1926
16423	12609	Southern Pacific Company (City of Los Angeles)	Vesper and Aetna Streets	Granted	Apr. 6, 1926
16426	12418	County of San Bernardino (The Atchison, Topeka and Santa Fe Railway Company)	Tamarind Avenue	Denied	Apr. 7, 1926

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TABLE E—MISCELLANEOUS AND SUPPLEMENTAL ORDERS.

Dec. No.	App. No.	Applicant	Nature of proceedings	Date
15336	11220	Bradbury Estate Company and City of Monrovia	Authorizing former to transfer to latter water system serving Oak Park tract in city of Monrovia	Aug. 25, 1925
15337	11378	C. A. G. Blix	Authorizing abandonment of water service in section of city of Los Angeles in vicinity of Lankershim	Aug. 25, 1925
15339	C1698	Railroad Commission, investigation of	Extension of time to comply with requirements of chapters 499-600, Sierra Madre Telephone and Telegraph Company	Aug. 26, 1925
15340	C1698	Railroad Commission, investigation of	Extension of time to comply with requirements of chapters 499-600, Monrovia Telephone and Telegraph Company	Aug. 26, 1925
15341	C1698	Railroad Commission, investigation of	Extension of time to comply with requirements of chapters 499-600, Home Telephone Company of Covina	Aug. 26, 1925
15350	A8441	W. A. Gillett	Supplemental order revoking and annulling certificate to operate auto passenger and express service—Colusa and Grimes	Aug. 27, 1925
15351	C2118	Anaheim Sugar Company vs. Southern Pacific Company	Supplemental order amending previous order of July 31, 1925—re refund	Aug. 27, 1925
15354	11407	Pasadena Electric Express Company	Supplemental order authorizing execution of mortgage or deed of trust to secure bond issue	Aug. 31, 1925
15357	11626	Southern Pacific Company	Authorized to abandon non-agency station of Hislop, San Joaquin County	Aug. 31, 1925
15359	11637	Los Angeles County Water Works	Authorized to sell certain real property	Aug. 31, 1925
15361	9723	Helen L. Benadom (Red Star Stages)	Supplemental order authorizing transfer of auto stage service between San Luis Obispo and Paso Robles and intermediate points to Pickwick Stages System	Sept. 1, 1925
15364	11629	Los Angeles and Salt Lake Railroad Company	Authorized to abandon and remove passenger station at Terminal Island, San Pedro Branch in Ocean Avenue, Los Angeles County	Sept. 3, 1925
15365	11632	Southern Pacific Company	Authorized to discontinue agent at station of Mt. Hermon on Coast Division in Santa Cruz County from September 1st to June 14th, inclusive, of each year	Sept. 3, 1925
15368	11624	Southern Pacific Company	Authorized to discontinue agent at station of Asilomar on Coast Division in Monterey County from September 1st to June 14th each year	Sept. 3, 1925
15369	10736	City of Glendale	First supplemental order amending Decision No. 14763—grade crossing	Sept. 3, 1925
15372	11657	Southern Pacific Company	Authorized to abandon non-agency station of Whitewater Gravel Pit on Los Angeles Division in Riverside County	Sept. 4, 1925
15375	10478	F. H. Beardsley	First supplemental order revoking and annulling certificate for auto stage service—Klamath Falls, Oregon, and Copco, California	Sept. 4, 1925
15376	10769	Hugh Goodfellow, Warren Olney, and W. I. Brobeck (as trustees) and Key System Transit Company	Second supplemental order extending time until October 1, 1925, within which to sell and transfer certain properties—Decision No. 14617	Sept. 4, 1925
15377	C2076	Standard Oil Company vs. Sunset Railway Company and The Atchison, Topeka and Santa Fe Railway Company	Order denying application for vacation of order and oral argument—Decision No. 15278	Sept. 4, 1925

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TABLE E—MISCELLANEOUS AND SUPPLEMENTAL ORDERS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Date
15381	11631	Southern Pacific Company	Authorized to discontinue agent at station of Brookdale on Coast Division, Santa Cruz County, September 1st to June 14th of each year	Sept. 11, 1925
15382	C1698	Railroad Commission, Investigation of	Extension of time to comply with requirements of chapters 499-600 - California-Oregon Power Company	Sept. 11, 1925
15387	10814	Southern Pacific Company	Authorized to close agency stations at Vorden and Ryde, Sacramento County, and maintain as nonagency stations	Sept. 12, 1925
15388	10846	California Transportation Company	Authorized to close agency station at Vorden, Sacramento County	Sept. 12, 1925
15389	10696	Redondo Home Telephone Company	First supplemental order modifying Decision No. 14528—stock issue	Sept. 12, 1925
15392	7574	Fair Oaks Electric Company	Second supplemental order modifying Decision No. 10910—bond issue	Sept. 12, 1925
15395	11465	Siskiyou County, Board of Supervisors of	Authorized to abandon certain grade crossings and to construct new crossings at grade over tracks of Southern Pacific Company near town of Gazelle	Sept. 14, 1925
15397	11441	Murphy Water, Ice and Light Company and City of Needles	Former authorized to sell to latter water system in city of Needles	Sept. 15, 1925
15400	11648	Visalia Electric Railroad Company and Southern Pacific Company	Approving contract of May 1, 1925, for joint use of tracks at station of Chowchilla, Madera County, owned by former	Sept. 16, 1925
15401	8173	Coast Valleys Gas and Electric Company	Fifth supplemental order reducing price of manufactured gas nine cents per 1000 cubic feet, due to cut in price of fuel oil, in Monterey, Pacific Grove and Salinas districts	Sept. 16, 1925
15403	C1660	Coast Counties Gas and Electric Company	Seventh supplemental order reducing price of manufactured gas eight cents per 1000 cubic feet, due to cut in price of fuel oil, in Santa Cruz, Watsonville and Contra Costa districts	Sept. 16, 1925
15404	11430	Southgate Gardens Water Company and City of South Gate	Former authorized to transfer to latter its water system	Sept. 16, 1925
15405	11530	Edmund and Helen F. Varney	Authorized to transfer to city of Los Angeles water system in Lankershim District of city of Los Angeles	Sept. 16, 1925
15406	11572	G. R. Goold and D. G. Johns	Former to sell to latter his interest in The Sunnyside Water Works System in city of Stockton	Sept. 16, 1925
15408	11573	D. G. Johns and Joseph Herring	Former to transfer to latter water plant known as Sunnyside Water Works System in city of Stockton	Sept. 16, 1925
15424	10736	City of Glendale	Second supplemental order amending Decision No. 14763—grade crossing	Sept. 16, 1925
15425	C1698	Downey Home Telephone and Telegraph Company	Extension of time until February 15, 1926, to comply with requirements of chapters 499-600 (overhead line construction)	Sept. 19, 1925
15428	C1662	Modesto Gas Company	Fifth supplemental order reducing price of gas four cents per 1000 cubic feet, due to price of oil being cut	Sept. 19, 1925
	7672	Sutter-Butte Canal Company	Third supplemental order modifying Decision No. 14044—renewal of note	Sept. 19, 1925

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15429	10848	Palos Verdes Transportation Company	First supplemental order authorizing use of $5,099.25 of stock issue to acquire 22-passenger 1925 Reo auto stage (Decision No. 14733)	Sept. 19, 1925
15430	11452	G. F. Martin	Supplemental order defining Scotts Valley—Decision No. 15250	Sept. 19, 1925
15445	11704	Spring Valley Water Company	Authorized to sell and grant to Dumbarton Bridge Company certain rights of way and easements for road and drainage canals in San Mateo County	Sept. 23, 1925
15451	8728	Southern Pacific Company	Order revoking prior order and dismissing application—grade crossing in vicinity of Turlock	Sept. 23, 1925
15452	10345	Los Angeles and Salt Lake Railroad Company	Order revoking prior order and dismissing application—grade crossing in city of Los Angeles	Sept. 23, 1925
15456	11581	Southern Pacific Company	Authorized to discontinue agency station at Sandia on Los Angeles Division in Imperial County from August 16th to April 30th of each year	Sept. 24, 1925
15463	6044	Mount Shasta Power Corporation and Pacific Gas and Electric Company	Third supplemental order authorizing construction of railroad track at grade across county roads between Cayton and Burney, Shasta County, to serve Pit 3 Power Plant	Sept. 24, 1925
15473	10484	Pacific Electric Railway Company and Southern Pacific Company	Former authorized to sell to latter two small parcels of land near Pico Avenue and Wilmington Boulevard, city of Long Beach	Sept. 26, 1925
15474	C1698	Huntington Beach Telephone Company	Extension of time until June 1, 1926, to comply with statutes governing overhead line construction (chapters 499-600)	Sept. 26, 1925
15481	11665	M. C. Merrell	Authorized to sell to James Fisher and Yosemite Lodge No. 97, I. O. O. F., small electric system in town of Big Oak Flat, Tuolumne County	Oct 1, 1925
15482	11735	Sierra Madre Telephone and Telegraph Company	Authorized to establish charge of five cents for each local call made from public pay stations on and after November 1, 1925	Oct. 1, 1925
15485	11465	Siskiyou County, Board of Supervisors of	First supplemental order amending Decision No. 17392—grade crossing north of Gazelle	Oct. 1, 1925
15486	10769	Hugh Goodfellow, Warren Olney and W. I. Brobeck, as trustees, and Key System Transit Company	Granting extension of time until November 1, 1925, in which to complete sale of certain properties, known as California Railway to Southern Pacific Company	Oct. 1, 1925
15488	11411	John Stirrat and C. W. Longmire	Former authorized to sell and transfer to latter public utility water system near city of Anaheim, Orange County	Oct. 3, 1925
15490	11774	W. W. Ward	Authorized to exercise rights and privileges under franchise originally granted to Pismo Beach Pier and Amusement Company by the Board of supervisors of San Luis Obispo County to conduct wharf at Pismo Beach	Oct. 5, 1925
15497	6723	Midway Supply Company	First supplemental order cancelling certificate for auto freight service—Ludlow and Los Angeles and Ludlow and Barstow, San Bernardino County	Oct. 7, 1925
15498	8116	C. J. Hemenger	First supplemental order cancelling certificate for auto service for transportation of milk, eggs, dairy and poultry supplies—Saugus and Los Angeles and certain intermediate points	Oct. 7, 1925
15500	C1698	Great Western Power Company	Extension of time until January 1, 1926, to comply with statutes governing overhead line construction (chapters 499-600)	Oct. 7, 1925
15501	C1698	Pacific Gas and Electric Company	Extension of time until January 1, 1926, to comply with statutes governing overhead electric line construction (chapters 499-600)	Oct. 7, 1925

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TABLE E—MISCELLANEOUS AND SUPPLEMENTAL ORDERS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Date
15502	C1698	Coast Counties Gas and Electric Company	Extension of time until October 31, 1925, to comply with statutes governing overhead line construction (chapters 499-600)	Oct. 7, 1925
15503	C1698	Whittier Home Telephone and Telegraph Company	Extension of time until January 15, 1926, to comply with statutes governing overhead line construction (chapters 499-600)	Oct. 7, 1925
15504	C1698	City of Riverside	Extension of time until January 1, 1926, to comply with statutes governing overhead line construction (chapters 499-600)	Oct. 7, 1925
15507	11771	Southern Pacific Company	Authorized to abandon nonagency station of Hunt, Kern County	Oct. 9, 1925
15509	10876	C. O. Bentley	First supplemental order revoking and annulling certificate—auto stage line, Redwood City and Canyon Sanitarium (Decision No. 14704)	Oct. 9, 1925
15510	11069	Mt. Lassen Transit Company	To re-route portion of operation between Doyle, California and California-Nevada state line near Peavine or Purdy, authorized	Oct. 9, 1925
15511	11222	Los Angeles, County of	First supplemental order amending Decision No. 15198—grade crossing at Vermont Avenue and Ninety-sixth Street	Oct. 9, 1925
15513	11752	Southern Pacific Company	Authorized to discontinue agent at station of Montalvo, Ventura County, from January 1 to July 31, inclusive, of each year	Oct. 9, 1925
15516	C2145	J. C. Hummel vs Chowchilla Water Company	Dismissing complaint against rates and service	Oct. 9, 1925
15518	11768	Southern Pacific Company	Authorized to discontinue operation of station of Nadeau on Los Angeles Division in Los Angeles County	Oct. 9, 1925
15538	3753	Emergency Transportation Company	Supplemental order authorizing Key System Transit Company to discontinue services of human flagman at Chestnut Street crossing in Oakland	Oct. 17, 1925
15539	C1989	City of Oakland vs. Key System Transit Company	Order denying petition for rehearing by Charles X. Newman, representing certain property owners and associations	Oct. 17, 1925
15541	5550	Midland Counties Public Service Corporation	Eighteenth supplemental order authorizing use of proceeds received from sale of Santa Maria Gas Company bonds	Oct. 21, 1925
15552	8352	George B. Long (deceased)	Supplemental order cancelling certificate for auto stage between Susanville and Wendel, upon request of his heirs	Oct. 21, 1925
15553	10861	Abe Ransom	Supplemental order revoking and annulling certificate for auto passenger and freight line—Big Pine and Deep Springs	Oct. 21, 1925
15554	C1951	The Los Angeles Lumber Products Company vs. Southern Pacific Company	Fourth supplemental order extending time on its order granting oral argument on application for rehearing, until December 31, 1925	Oct. 21, 1925
	C1973	Madera Sugar Pine Company et al. vs. Minarets and Western Railway Company, Southern Pacific Company and Yosemite Valley Railroad Company		
15555	C1698	Western States Gas and Electric Company	Extension of time until March 31, 1926, to comply with statutes governing overhead line construction (chapters 499-600)	Oct. 21, 1925

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15558	11132	Ojai Power Company	Supplemental order granting extension of time until June 30, 1926, in which to issue $50,000 of common capital stock	Oct. 21, 1925
15559	C1698	Southern Sierras Power Company	Extension of time until December 31, 1926, to comply with statutes governing overhead electric line construction (chapters 499-600)	Oct. 21, 1925
15560	9831	City Transfer and Storage Company	Order denying petition of California Highway Express for rehearing	Oct. 21, 1925
	9915	Triangle Transfer and Storage Company		
	9993	Bekins Fireproof Storage		
	10022	Milo W. Bekins, H. M. Burgeson et al.		
	10208	California Highway Express		
	10481	Security Van and Storage Company, Inc.		
	10817	Coast Truck Line		
15561	11759	Great Western Power Company of California	Supplemental order amending Decision No. 15544—bonds and notes	Oct. 22, 1925
15562	11074	Pickwick Stages System	Supplemental order authorizing use of $100,000 of proceeds from sale of capital stock to purchase intercity busses instead of parlor cars as previously authorized	Oct. 23 1925
15565	11689	John G. Rapp and Jesse G. Langdon	Former authorized to transfer to latter public utility water system in town of Olema, Marin County	Oct. 23, 1925
15566	11770	Southern Pacific Company	Authorizing discontinuance of nonagency station at Champion, Placer County	Oct. 23, 1925
15569	11774	W. W. Ward	Supplemental order approving stipulation in re wharf franchise in San Luis Obispo County	Oct. 23, 1925
15571	10686	City of Bakersfield	Order denying petition for rehearing, grade crossing at intersection of California Avenue	Oct. 23, 1925
	11102	County of Kern		
	10089	Lingo Brothers		
15576	C2036	San Bernardino Chamber of Commerce vs. Motor Transit Company	Supplemental order amending Decision No. 15144, auto freight truck service	Oct. 27, 1925
15577	11583	Southern Pacific Company	First supplemental order amending Decision No. 15332, grade crossing city of Sacramento	Oct. 27, 1925
15582	C1989	City of Oakland vs. Key System Transit Company	First supplemental order amending Decision No. 15290—certain streetcar rerouting	Oct. 29, 1925
15583	C1698	Coast Counties Gas and Electric Company	Extension of time until May 1, 1926, in which to comply with statutes governing overhead electric line construction (chapters 499-600)	Oct. 29, 1925.
15585	11815	Mrs. Lola Barnickel (Weaverville Telephone Exchange)	Authorized to establish public telephone stations and charge toll of five cents for local calls from such stations	Oct. 29, 1925
15589	11414	Feather River Power Company	Second supplemental order further modifying Decision No. 15394, bonds	Oct. 30, 1925
15596	11560	The Hovey-Bandy Corporation	Granting certificate to operate water system on Tract No. 8392, Los Angeles County	Nov. 6, 1925
15600	10860	Chico-Redding Freight Line	Granting extension of time in which to begin operation of auto truck line between Chico and Red Bluff	Nov. 6, 1925
15607	11814	G. W. Fickel and Grant Moffet	Authorizing former to sell to latter water system known as Downey Home Tract Water Works, Los Angeles County	Nov. 7, 1925
15621	849	City of South San Francisco	First supplemental order amending Decision No. 2394, grade crossing, Linden Avenue	Nov. 7, 1925
15623	C1698	Santa Monica Bay Home Telephone Company	Extension of time until March 1, 1926, to comply with statutes governing overhead electric line construction (chapters 499-600)	Nov. 7, 1925
15624	C1698	Redondo Home Telephone Company	Extension of time until April 1, 1926, to comply with statutes governing overhead electric line construction (chapters 499-600)	Nov. 7, 1925

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TABLE E—MISCELLANEOUS AND SUPPLEMENTAL ORDERS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceedings	Date
15625	C1698	Sunland Rural Telephone Company	Extension of time until March 1, 1926, to comply with statutes governing overhead electric line construction (chapters 499-600)	Nov. 7, 1925
15632	3666	Southern California Edison Company and City of Pasadena	Fifth supplemental order authorizing former to sell to latter certain distribution equipment for sum of $19,550.54	Nov. 10, 1925
15633	11894	Sanger Telephone Company	Authorized to put in effect after December 1, 1925, charge of five cents per local call from public pay stations	Nov. 10, 1925
15643	C2133	Stewart Fruit Company vs. Southern Pacific Company et al.	Ordering reparation on four carloads of box shook from Standard to Hopland, and six carloads from Standard to Ukiah, shipped during the period from July 18, 1923, to September 20, 1923	Nov. 14, 1925
15644	12013	The Pacific Telephone and Telegraph Company	Authorized to purchase or acquire 160 shares of common capital stock of Associated Telephone Company in addition to stock heretofore acquired	Nov. 14, 1925
15645	10446	E. J. Thompson and Pickwick Stages System	Approving sale by former to latter of auto stage line between Fresno, and Calwa, Kerman and San Joaquin and intermediate points, formerly operated under lease by latter company with option to purchase same	Nov. 14, 1925
15652	C2097	F. W. Gomph, agent for certain western railroads	Order affirming previous findings denying increased ratings on radio receiving sets and talking machines and radio sets combined	Nov. 20, 1925
15667	11767	City Railway Company of Los Angeles	Granting certificate to exercise rights under franchise to construct street railway track at grade in and across portion of Ramona Boulevard in county of Los Angeles	Nov. 21, 1925
15669	12066	West Riverside Canal Company	Authorized to issue and sell bonds to improve its canal	Nov. 21, 1925
15675	11742	Southern Pacific Company	Authorized to discontinue agency station at Walnut, Los Angeles County	Nov. 21, 1925
15678	11920	Pacific Electric Railway Company	Granting authority to relocate single track main line at grade across Sonora, Western and Allen Avenues in city of Glendale, and across Alameda Avenue in the city of Burbank, Los Angeles County	Nov. 21, 1925
15679	11978	Spring Valley Water Company	Authorized to grant to town of San Carlos right of way over certain property in county of San Mateo	Nov. 21, 1925
15681	9764	George H. Blount	Supplemental order authorizing discontinuance of auto passenger and freight line between Stevinson and Turlock, same having been operated at a loss	Nov. 21, 1925
15682	11004	California Transit Company	Supplemental order modifying Decision No. 15547—re schedule of fares	Nov. 21, 1925
15683	11414	Feather River Power Company	Third supplemental order further amending Decision No. 15394—re mortgage or deed of trust	Nov. 21, 1925
15684	C1647	Napa Valley Electric Company	Extension of time until January 1, 1926, in which to comply with statutes governing overhead line construction (chapters 499-600)	Nov. 21, 1925
15685	C1698	Santa Paula Home Telephone Company	Extension of time until March 1, 1926, to comply with statutes governing overhead electric line construction (chapters 499-600)	Nov. 21, 1925
15686	C1698	Point Arena Electric Light and Power Company	Extension of time until March 1, 1926, to comply with statutes governing overhead electric line construction (chapters 499-600)	Nov. 21, 1925

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	C1951	Los Angeles Lumber Products Company vs. Southern Pacific Company		
15688	C1973	Madera Sugar Pine Company, Sugar Pine Lumber Company et al. vs. Minarets and Western Railway Company et al.	Fifth supplemental order amending effective date of order of April 1, 1925	Nov. 21, 1925
15702	C2119	Ella Melcher Hoke et al. vs. E. Francis Leo and Edward Strong Merrill	Dismissing complaint for alleged unwarranted discontinuance of public utility water service on Venice Del Rey Tract, Los Angeles County	Nov. 30, 1925
15706	11892	Northwestern Pacific Railroad Company	Authorizing said company and town of San Anselmo to abolish first grade crossing east of Main Street in town of San Anselmo, Marin County	Nov. 30, 1925
15707	12048	Monrovia Telephone and Telegraph Company	Authorized to place in effect standard charge of $3 for moving telephone sets from one location to another, or changing type or style of set	Nov. 30, 1925
15709	11717	Los Angeles Railway Corporation	First supplemental order amending Decision No. 15453, to provide safety measure	Nov. 30, 1925
15712	8342	Charles C. Smith	First supplemental order revoking and annulling certificate to operate auto passenger and baggage service between Highlands Inn and Monterey	Nov. 30, 1925
15715	12028	Southern Pacific Company and Pacific Electric Railway Company	Approving agreement for joint use of certain station facilities, trackage and real property in city of Long Beach	Dec. 5, 1925
15718	3214	Burke Corporation	Order revoking and annulling certificate for auto stage line between Burke and Santa Rosa	Dec. 5, 1925
15719	12050	William J. McNamara and Charles H. Quandt	Former authorized to sell to latter public utility water system in Los Angeles County for sum of $950	Dec. 5, 1925
15720	12129	East Bay Water Company	Authorized to grant to East Bay Municipal Utility District easement for tunnel in Lot 1 of Rancho El Sobrante, Contra Costa County	Dec. 5, 1925
15721	C2101	San Rafael Freight and Transfer Company vs. Paris P. Lawson	First supplemental order extending until December 15, 1925, time in which defendant shall discontinue operation of auto truck service between Sausalito and Santa Rosa and intermediate points	Dec. 5, 1925
15722	11004	California Transit Company	Supplemental order extending until December 31, 1925, time in which to begin operation of auto stage service over Pleasanton-Santa Rita Route, because of bridge washout	Dec. 5, 1925
15729	10585	Wheeler's Hot Springs Stage Line	Supplemental order authorizing discontinuance of year-round service and providing for service only between May 1 and November 1 of each year	Dec. 7, 1925
15731	C1698	Fresno Traction Company	Extension of time granted until May 1, 1926, in which to comply with statutes governing overhead line construction (chapters 499-600)	Dec. 7, 1925
15732	C1698	California Telephone and Light Company	Extension of time granted until July 1, 1926, in which to comply with statutes governing overhead line construction (chapters 499-600)	Dec. 7, 1925
15736	11565	C. F. and Asia E. Newbill	Authorizing discontinuance of service of water in vicinity of Lankershim, Los Angeles city	Dec. 10, 1925
15740	6637	Sonoma Valley Water, Light and Power Company, Sonoma City Water Works and Sonoma Vista Water Company and Sonoma Water and Irrigation Company	Seventh supplemental order amending further Decision No. 9683, so as to permit Luisa V. Emparan and Maria V. Cutter, doing business under the name of Sonoma Water Works, to sell to Sonoma Water and Irrigation Company certain properties for the sum of $30,000	Dec. 10, 1925

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Dec. No.	App. No.	Applicant	Nature of proceedings	Date
15741	10076	Huntington Beach Telephone Company and Smeltzer Home Telephone and Telegraph Company	Supplemental order authorizing former to make effective certain rates, rules, etc., in territory supplied by latter company	Dec. 10, 1925
15743	9067	County of Los Angeles	Order revoking prior order and dismissing application—grade crossing on Wilmington Street	Dec. 10, 1925
15749	6044	Mt. Shasta Power Corporation and Pacific Gas and Electric Company	Fourth supplemental order revising plans for construction of power plants on Pit river, abandoning proposed expensive tunnel	Dec. 11, 1925
15752	11684	Charles H. Quandt	Granting certificate to operate water system near city of Redondo, Los Angeles County, and fixing rates	Dec. 15, 1925
15753	6140	Melvin D. Savage	Supplemental order revoking and annulling certificate to operate auto truck service for transporting milk between San Francisco and Tracy	Dec. 15, 1925
15760	9917	Dillingham Transportation Company and Motor Transit Company	First supplemental order approving sale by former to latter of auto stage line operative rights, providing the latter company shall not merge said rights with present ones	Dec. 16, 1925
15761	C1698	Bakersfield and Kern Electric Railway Company	Extension of time granted until March 1, 1926, in which to comply with statutes governing overhead line construction (chapters 499-600)	Dec. 16, 1925
15767	12229	Southern Pacific Company	Authorized to abandon non-agency station at Foyle, Santa Clara County	Dec. 16, 1925
15772	9947	The Western Pacific Railroad Company	Revoking prior order and dismissing application—grade crossing at Oak Street and portion of Third Street, city of Oakland	Dec. 19, 1925
15777	11785	Panama Realty Company and Spring Valley Water Company	Denying approval of contract providing for sale of water at special rate in exchange for certain rights of way	Dec. 21, 1925
15786	12259	Federal Telegraph Company	Authorized to sell to Howard Spreckels for sum of $33,500 certain property in San Francisco now being used as radio station	Dec. 21, 1925
15787	11344	Ontario Power Company	First supplemental order authorizing execution of mortgage to secure issue of six per cent general and refunding bonds	Dec. 21, 1925
15793	12214	Reedley Telephone Company	Ordered to put in effect charge of five cents for each local call made from public telephone stations on and after January 1, 1926	Dec. 23, 1925
15804	6229	Pacific Gas and Electric Company	First supplemental order amending previous order authorizing issue and sale of stock to provide for delivery of such stock purchased under time payments, when such payments extend over time limit fixed by Commission in its original authorization	Dec. 28, 1925
15805	11205	John Hamo and A. Semonian	Supplemental order amending Decision No. 15528—auto freight service between Los Angeles and dairy ranches in vicinity of Hynes, etc.	Dec. 28, 1925

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15809	11990	The Pacific Telephone and Telegraph Company	Granting certificate to exercise rights and privileges under franchise granted by board of trustees of city of Chula Vista to operate telephone and telegraph service in said city	Dec. 29, 1925
15811	11046	Southern Counties Gas Company	Supplemental opinion and order granting certificate to exercise rights and privileges under certain franchises for construction of natural gas transmission line, Ventura River oil field to Los Angeles County	Dec. 29, 1925
15813	9648	Southern California Telephone Company	Second supplemental order amending Decision No. 14420, extending time to consider question of spread of measured rates in Los Angeles	Dec. 29, 1925
15816	11079	City Transfer and Storage	Order denying rehearing—auto truck service, San Diego and Los Angeles and intermediate points	Dec. 30, 1925
15827	10614	Colonel Ed Fletcher and Sherman Water Company	Supplemental order entending time until June 30, 1926, in which to issue stock heretofore authorized	Dec. 31, 1925
15828	11016	Buchheim Water Company	First supplemental order authorizing construction of water system in Blocks 41 to 54 of townsite of San Juan-by-the-Sea, Orange County	Dec. 31, 1925
15838	12314	East Bay Water Company	Authorized to sell approximately 551 acres of nonoperative lands in Alameda and Contra Costa counties	Jan. 13, 1926
15842	11132	Ojai Power Company	Second supplemental order authorizing use of $11,500 derived from sale of common stock for additions and betterments	Jan. 13, 1926
15844	11329	Key System Transit Company	Denying petitions of cities of Oakland and Berkeley for rehearing of Decision No. 15817, increasing transbay fares	Jan. 14, 1926
15847	9084	City Water Company of Banning	Second supplemental order authorizing use of $2,000 derived from sale of bonds for additions and betterments	Jan. 14, 1926
15855	12340	Mary E. McNerney and W. A. Alexander	Former authorized to transfer to latter her interest in water system located in Tract No. 6000, Los Angeles County	Jan. 15, 1926
15857	11329	Key System Transit Company	Denying petitions of cities of Piedmont and Richmond and town of Hayward for rehearing of Decision No. 15817, re transbay fares	Jan. 15, 1926
15858	11329	Key System Transit Company	Denying petition of city of Alameda for rehearing of Decision No. 15817, increasing transbay fares	Jan. 15, 1926
15866	8918	Pacific Electric Railway Company	Second supplemental order granting authority to discontinue maintenance of automatic flagman at San Gabriel Boulevard crossing	Jan. 15, 1926
15867	9941	Sunland Rural Telephone Company	Second supplemental order authorizing use of $1,500 of proceeds from sale of stock to pay for additional toll facilities, cable, etc.	Jan. 15, 1926
15877	11827	South Park Water Company	First supplemental order authorizing use of $32,552 of proceeds from sale of bonds for additions and betterments	Jan. 19, 1926
15881	5097	San Francisco-Richmond Ferry Company	Ninth supplemental order authorizing use of $100 received from sale of stock to pay state corporation license tax	Jan. 20, 1926
15882	9460	Shasta Transit Company	First supplemental order granting discontinuance of service between Viola and Mineral and Red Bluff and intermediate points, leaving in effect service between Redding and Viola and intermediate points	Jan. 20, 1926
15884	11836	Southern Pacific Company	Authorizing discontinuance of agent at station of Richgrove in Tulare County during period from September 30th to June 30th of each year	Jan. 20, 1926
15890	3929	C. T. Lang	First supplemental order granting authority to discontinue auto stage service between East San Diego and city limits of La Mesa	Jan. 21, 1926

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Dec. No.	App. No.	Applicant	Nature of proceedings	Date
15894	12160	David Easdale	Granting certificate to operate vessels on Russian River	Jan. 23, 1926
15896	12273	Santa Barbara Telephone Company	First supplemental order authorizing execution of deed of trust to secure issue of bonds	Jan. 23, 1926
15897	11303	Ben Moore	Denying petition for rehearing by Dinuba Truck Line, Coalinga-Fresno Truck Line, California Highway Express, etc., of Decision No. 15818, which the Commission dismissed for lack of jurisdiction over radial operation	Jan. 25, 1926
15898	11504	Southern Pacific Company	Denying petition for rehearing by city of Oakland of Decision No. 15875, re transbay fare increase	Jan. 25, 1926
15906	12454	Southern Pacific Company	Authorized to abandon nonagency station of Maiers in Los Angeles County	Jan. 26, 1926
15908	12081	The California-Oregon Power Company	First supplemental order authorizing execution of general and refunding mortgage to secure bond issue	Jan. 29, 1926
15914	12299	Benjamin F. and Elizabeth M. Nelson	Authorized to transfer to John L., Charles H. and George W. Munson the water system known as Melvin Place Water Plant, Los Angeles County	Jan. 29, 1926
15918	12395	Pacific Electric Railway Company	Authorized to abandon spur track heretofore serving Cliffton Gravel Pit in Redondo Beach	Feb. 2, 1926
15920	12450	Pacific Electric Railway Company	Granted permission to abandon and remove freight loading platform at Orange Avenue on Covina Line, Los Angeles County, and to reconstruct same at or near intersection of Ethel Avenue with Covina Line	Feb. 2, 1926
15921	C2199	Postal Telegraph-Cable Company, Commission's investigation into construction of certain lines etc.	Order denying rehearing	Feb. 3, 1926
15928	10823	Southern Pacific Company	Supplemental order rescinding Decision No. 14559 in so far as it refers to crossing of Monroe Avenue in town of Redwood City	Feb. 3, 1926
15929	10932	E. Erickson and J. J. Bartle	Supplemental order revoking and annulling certificate to operate auto stage line between Susanville and Bartle and intermediate points	Feb. 3, 1926
15938	7705	Fresno Traction Company	Second supplemental order amending Decision No. 14408, and dismissing petition for modification of previous order and rehearing	Feb. 5, 1926
15939	10791 C2110	Fall River Valley Telephone Company Commission's investigation into service by Bass Telephone Lines in town of Fall River Mills	Supplemental order placing in effect rates established in previous order	Feb. 5, 1926
15941	9072	Z. Hailstone	First supplemental order revoking and annulling certificate for auo stage service between Big Bar and Burnt Ranch, and Burnt Ranch and Hoppa and intermediate points—Decision No. 12188	Feb. 5, 1926
15950	C2152	W. W. Ward (El Pismo Water Company), Commission's investigation into rates, service, practices, etc., of	Order denying rehearing of Decision No. 15713	Feb. 6, 1926
15959	12447	Los Angeles County Water Works	Authorized to issue to Western Pipe and Steel Company promissory note	Feb. 8, 1926
15961	11449	C. S. Drake	First supplemental order revoking and annulling certificate to operate auto passenger service between Stockton and point known as "The Grove"	Feb. 8, 1926

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15962	11052	E. L. Johnson and George L. Harper	First supplemental order revoking and annulling certificate to operate auto passenger and freight service between Goffs and Getchell and intermediate points—Decision No. 14911	Feb. 8, 1926
15965	11201	North Sacramento Light and Water Company	First supplemental order approving plans for improvements to system as previously ordered	Feb. 8, 1926
15966	12278	California Highway Commission	Supplemental order apportioning cost of maintaining undergrade crossing near Oceanside, San Diego	Feb. 8, 1926
15971	12440	Los Angeles and Salt Lake Railroad Company	Authorized to abandon and remove nonagency station of Brighton Beach on Terminal Island, Los Angeles County	Feb. 10, 1926
15983	12505	Pacific Electric Railway Company	Authorized to abandon and remove third rails and special work on Seventh Street between San Pedro and Alameda Streets in city of Los Angeles	Feb. 10, 1926
15987	11083	Pacific Electric Railway Company	Granting authority to discontinue through passenger rail service between Huntington Beach and Long Beach via Seal Beach	Feb. 15, 1926
15989	12485	The Atchison, Topeka and Santa Fe Railway Company	Granting authority to relocate first main track at separated grades across Lenard Street, and at grade across an alley in Block 4 of H. M. Ames subdivision of Glassell tract, city of Los Angeles	Feb. 15, 1926
15991	10528	McDonald & Mizer	First supplemental order revoking and annulling certificate to operate auto freight and passenger service between Needles, California, and Searchlight, Nevada	Feb. 15, 1926
15992	10668	Southern Pacific Company	First supplemental order revoking part of previous order in so far as it pertains to crossing of Los Angeles Avenue, city of Fresno—Decision No. 14384	Feb. 15, 1926
15993	12029	San Joaquin Light and Power Corporation	First supplemental order authorizing use of proceeds from sale of stock—Decision No. 15737	Feb. 15, 1926
16002	11685	I. A. Moomaw	Authorized to discontinue public utility water system in vicinity of Inglewood, Los Angeles County	Feb. 15, 1926
16011	12491	County of Los Angeles, Southern Pacific Company, Los Angeles and Salt Lake Railroad Company, Pomona Chamber of Commerce and City of Pomona	Approving agreement for separation of grades between Pomona or Valley Boulevard and tracks of Los Angeles and Salt Lake Railroad Company near westerly city limits of Pomona	Feb. 16, 1926
16014	12495	Southern Pacific Company	Authorized to abandon nonagency station of East Fresno on San Joaquin Division in Fresno County	Feb. 17, 1926
16019	11727	W. G. Bentley Utility Water Company	Authorized to discontinue on March 31, 1926, service of water to lots 162 and 163 of property of Lankershim Ranch Land and Water Company in city of Los Angeles	Feb. 20, 1926
16037	11672	Midway Gas Company	First supplemental order making conditional permission permanent to construct 13-inch pipe line for transportation of natural gas—Decision No. 15695	Mar. 2, 1926
16038	12319	Coast Line Stages, Inc.	Second supplemental order extending time until March 15, 1926, in which to file tariffs and time schedules	Mar. 2, 1926
16047	6209	Nicholas P. Sinnott	First supplemental order revoking and annulling certificate for auto passenger, freight, baggage and express service between town of Felton and Felton Station of Southern Pacific Company	Mar. 2, 1926
16050	12511	The Western Pacific Railroad Company	Authorized to lease to Stockton Feed Yards, a corporation, for term of five years, stock yard, stock corrals, and property located at station of Ortega, San Joaquin County	Mar. 2, 1926

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16051	12514	Southern Pacific Company	Authorized to abandon combination passenger and freight shelter at station of Central Mine in Shasta County and relocate said shelter station at its station of Keswick in said county	Mar. 2, 1926
16052	12563	San Jose Railroads	Granting permission to reconstruct present double track street railroad on North Seventeenth Street from Empire Street to northerly city limits in city of San Jose as single track railroad	Mar. 2, 1926
16055	7778	Neri T. Hoxie, A. F. Hubbard and C. J. Stewart	First supplemental order revoking and annulling certificate for auto passenger, baggage and express service between Escondido and Palomar post office	Mar. 2, 1926
16066	12128	H. W. and Harvey W. Otis	Granting certificate to construct and operate water system in tract known as Araby tract, located about two and one-half miles southwest of Palm Springs, Riverside County	Mar. 3, 1926
16067	12178	Edward Weit	Authorized to mortgage water plant in town of Wasco, Kern County, to Bank of Italy to secure loan	Mar. 3, 1926
16072	12356	R. H. McAllister and J. B. Chessher	Authorized to transfer to J. B. Ferguson certain water system in county of Los Angeles	Mar. 3, 1926
16074	12341	City of Stockton	First supplemental order amending Decision No. 15856—grade crossing at Washington and Edison Streets	Mar. 3, 1926
16075	11130	Spring Valley Water Company	First supplemental order vacating order in Decision No. 15022—re agreement for exchange of lands with Julia J. Morrison	Mar. 3, 1926
16087	11825	Southern Pacific Company	Authorized to abandon nonagency station of Melon Spur on Los Angeles Division in Imperial County	Mar. 8, 1926
16090	12497	S. E. Throwell (Lomita Park Water Works)	Authorized to transfer to Daisy Noel water system known as Lomita Park Water Works	Mar. 8, 1926
16098	11823	H. W. Eichbaum	First supplemental order authorizing postponement of start of operation of auto stage service between Los Angeles and Stovepipe Wells in Death Valley until September 1, 1926	Mar. 8, 1926
16122	11481	Southern Pacific Company	First supplemental order amending Decision No. 15238—grade crossing at Fifth and Brannan Streets, San Francisco	Mar. 8, 1926
16123	11080	Town of San Anselmo	Order denying rehearing—grade crossing over right of way of Northwestern Pacific Railroad Company	Mar. 8, 1926
16125	12416	Harry E. Speas (vice president and general manager of Golden Gate Ferry Company)	First supplemental order cancelling, upon request of Speas, certificate recently granted to operate passenger and vehicle ferry service between Oakland and Alameda on Oakland estuary—Decision No. 15886	Mar. 11, 1926
16133	12453	Southern Pacific Company	Authorized to abandon nonagency station of Flowerfield in San Joaquin County	Mar. 11, 1926
16138	12627	Pacific Electric Railway Company	Authorized to abandon and remove passenger shelter station at point formerly known as El Segundo Stop on Del Rey-Redondo line in Los Angeles County	Mar. 12, 1926
16139	12394	W. W. Ward (El Pismo Water Company)	First supplemental order authorizing transfer of said water system to W. Clyde Hedding, John Plessus, J. B. Butler et al., applicant having complied with conditions of Decision No. 15713	Mar. 15, 1926

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16142	12608	San Fernando Telephone and Telegraph Company	Authorized to place in effect charge of five cents for local messages from public pay stations, and place in effect certain rules and regulations relative to moves and changes of telephone equipment	Mar. 16, 1926
16144	11807	Southern Pacific Company	First supplemental order amending Decision No. 15612—grade crossing at Carroll Avenue in city and county of San Francisco	Mar. 16, 1926
16145	12485	The Atchison, Topeka and Santa Fe Railway Company	First supplemental order amending Decision No. 15989—grade crossing at Lenard Street, city of Los Angeles	Mar. 16, 1926
16146	6637	Sonoma Water and Irrigation Company	Authorized in ninth supplemental order to use $10,160 from sale of stock to acquire public utility water system of A. E. Joscelyn, operating under name of Sonoma Vista Water Company	Mar. 16, 1926
16214	12457	Ellen J. Freethy	Granting certificate to operate vessels, under fictitious name of G. W. Freethy, upon inland waters of California on Bay of San Francisco and its tributaries	Mar. 17, 1926
16215	12477	Channel Lighterage Company	Granting certificate to operate vessels on Bay of San Francisco and its tributaries	Mar. 17, 1926
16224	10004 10005	Pinedale Water Company	Second supplemental order further amending Decision No. 13721 so as to permit use of proceeds from sale of stock	Mar. 18, 1926
16249	12635	Rural Union Telephone Company	Authorized to abandon public utility service in Elk Grove and town of Franklin, Sacramento County	Mar. 18, 1926
16262	11413	C. E. Doty and J. A. Keithley	Cancelling operative right heretofore granted to former to operate auto truck service between Hopland and Kelseyville, upon request of latter, the purchaser of same	Mar. 19, 1926
16263	12189	Great Western Power Company of California	First supplemental order approving stipulation—construction of electric transmission line in county of San Mateo	Mar. 19, 1926
16301	11240	Joseph K. Hawkins	Supplemental order providing for rate of 30 cents per 100 pounds on dairy supplies other than feed between Los Angeles and dairies which are authorized to be served—Decision No. 15775	Mar. 25, 1926
16314	A5567 C930 C996 C1203 C840 A3602 C748 C934 C1664	Pacific Gas and Electric Company City of Sacramento vs. Pacific Gas and Electric Company City of Grass Valley vs. Pacific Gas and Electric Company City of Oakland vs. Pacific Gas and Electric Company City and County of San Francisco vs. Pacific Gas and Electric Company et al. Sierra and San Francisco Power Company W. F. Wheeler et al. vs. Sierra and San Francisco Power Company Peter Knollenburg et al. vs. Sierra and San Francisco Power Company C. E. Moehrle et al. vs. Pacific Gas and Electric Company	Order denying petitions for rehearing—re electric rates	Mar. 26, 1926
16340	7080	M. C. Stokes	First supplemental order revoking and annulling certificate to operate auto freight and express service—San Diego and Corona	Mar. 30, 1926

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16390	6637	Sonoma Valley Water, Light and Power Company, and Sonoma Water and Irrigation Company	Tenth supplemental order vacating and setting aside Decision No. 10089 and restoring condition No. 2 of Decision No. 9683	Apr. 2, 1926
16397	12309	Pismo Beach Water Company	To furnish water to town of Pismo Beach, San Luis Obispo County, denied	Apr. 2, 1926
16400	12672	Southern Pacific Company	Ordered to abandon and remove certain spur track at station of Lang in Los Angeles County	Apr. 2, 1926
16401	11383	C. F. Whipple	Authorized to abandon auto stage service on part of route between Jamestown and point on county road near Rawhide, as part of a service between Jamestown and Malones Dam, Tuolumne County	Apr. 2, 1926
16416	12678	Lindsay Home Telephone and Telegraph Company	Authorized to issue $10,000 promissory note to refund outstanding note for like amount	Apr. 5, 1926
16417	12651	Southern Pacific Company	First supplemental order modifying Decision No. 16291—grade crossing at North Point Taylor and Jones Streets, City and County of San Francisco	Apr. 5, 1926
16421	12480	Harper Brothers Company	Authorized to discontinue water service in and in vicinity of Laurel Canyon, in city of Los Angeles, on April 30, 1926	Apr. 6, 1926

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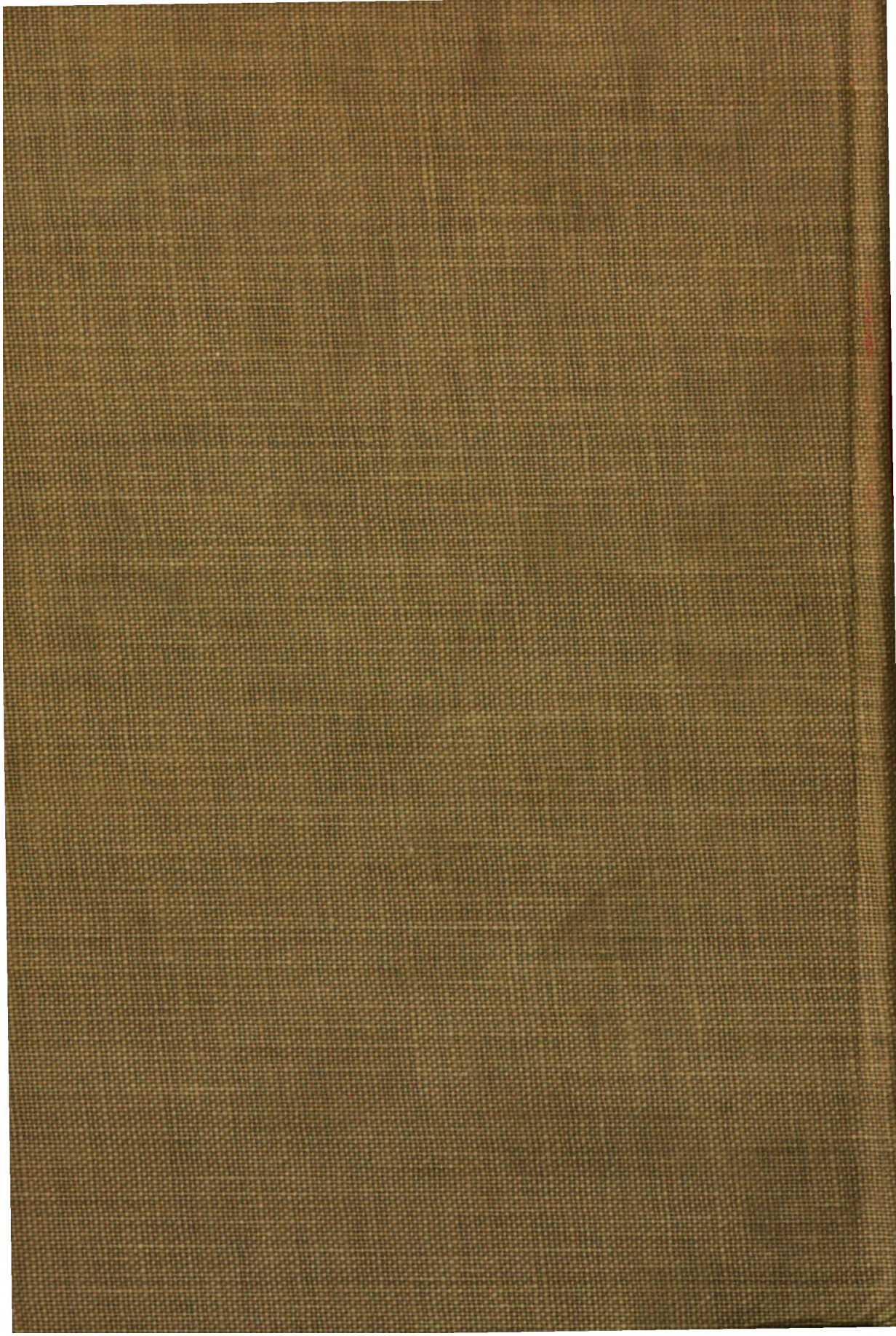

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